

EXHIBIT “A”

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

JANE DOE BY AND THROUGH HER NEXT
FRIEND, JULIE ROE

Plaintiff(s)

v.

Civil Action No. 20-5142

NORTH PENN SCHOOL DISTRICT

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

North Penn School District
410 E. Hancock Street
Lansdale, PA 19446

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

LAURA E. LAUGHLIN
FREIWALD LAW
1500 WALNUT STREET
18TH FLOOR
PHILADELPHIA, PA 19102

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



CLERK OF COURT

Date: 10/16/2020

s/Brian J. Weissman
Signature of Clerk or Deputy Clerk

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JANE DOE, BY AND THROUGH HER NEXT FRIEND,
JULIE ROE

(b) County of Residence of First Listed Plaintiff MONTGOMERY
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Laura E. Laughlin, Esquire
Freiwald Law, P.C., 1500 Walnut Street, 18th Floor,
Philadelphia, PA 19102

DEFENDANTS

NORTH PENN SCHOOL DISTRICT

County of Residence of First Listed Defendant MONTGOMERY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS1 (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> Habens Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
20 USC § 1681, et seq. (Title IX) and 42 USC § 1983

Brief description of cause;

Civil rights claims for discrimination under Title IX and violation of U.S. Constitutional and federal rights pursuant to 42 USC § 1983

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/15/2020

SIGNATURE OF ATTORNEY OF RECORD

Laura E. Laughlin

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Montgomery County, PA
 Address of Defendant: 410 E. Hancock Street, Landsale, PA 19446
 Place of Accident, Incident or Transaction: North Penn School District

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/15/2020

Must sign here *[Signature]*
 Attorney-at-Law / Pro Se Plaintiff

311896

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Laura E. Laughlin, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 10/15/2020

Sign here if applicable *[Signature]*
 Attorney-at-Law / Pro Se Plaintiff

311896

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Jane Doe, by and through her friend, Julie Roe

CIVIL ACTION

v.

North Penn School District

NO. 2:20 CV 05142

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>10/15/2020</u>	<u>Laura E. Laughlin</u>	<u>Plaintiff</u>
Date	Attorney-at-law	Attorney for
<u>215-875-8000</u>	<u>215-875-8575</u>	<u>lel@freiwaldlaw.com</u>
Telephone	FAX Number	E-Mail Address

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE DOE,
by and through her next friend, Julie Roe,

Plaintiff,

v.

NORTH PENN SCHOOL DISTRICT,

Defendant.

Civil Action No. _____

COMPLAINT AND JURY DEMAND

Plaintiff Jane Doe, by and through her next friend Julie Roe, brings this action against Defendant North Penn School District (the "District") for its violation of her rights under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. ("Title IX"), and violations of her rights to equal protection of the laws under the Fourteenth Amendment to the U.S. Constitution and federal rights under Title IX, pursuant to 42 U.S.C. § 1983.

INTRODUCTION

1. This is a civil rights case brought by Jane Doe, a District student who was sexually assaulted at school over twenty times by a male classmate with a known history of sexual predation. The District has acted with deliberate indifference to Ms. Doe's safety throughout her education. It took no action when teachers witnessed one of the sexual assaults, which occurred when Ms. Doe was in elementary school. It took no action when it learned Ms. Doe was one of several female students sexually assaulted by the same male student. And it caused Ms. Doe to be sexually assaulted by the same student again in high school, placing her in the same class as her assailant and seating them next to one another despite assuring Ms. Doe

that he would have no contact with her at school.

2. In October 2014, when Ms. Doe was in the sixth grade at Gwynedd Square Elementary School (“Gwynedd”), two teachers witnessed male student “MP”¹ sexually assault her. The teachers did not report this to school administrators or Ms. Doe’s parents, and they took no steps to ensure she could attend school safely. Predictably, MP continued to sexually assault Ms. Doe at Gwynedd.

3. In April 2015, another female student reported to the District that MP had sexually assaulted her, Ms. Doe, and at least three other girls. At that point, MP had sexually assaulted Ms. Doe at school more than ten times—sometimes touching her breasts, sometimes touching her vagina, and sometimes digitally penetrating her vagina. Despite its actual notice of these assaults and the significant danger MP posed to Ms. Doe and her classmates, the District did not take any meaningful action to stop MP from further victimizing Ms. Doe and other students.

4. That fall, instead of attending her neighborhood middle school, Ms. Doe transferred to avoid sharing a building with MP. She sacrificed educational opportunities and social ties because she and her family had no faith that the District would protect Ms. Doe from MP so long as they shared a school.

5. She was right. A few years later, when Ms. Doe and MP enrolled in the same District high school, the District made it easy for MP to sexually assault Ms. Doe at least ten more times. Despite meeting with Ms. Doe and her parents and agreeing to keep MP separated from Ms. Doe at school, the District placed MP and Ms. Doe in the same social studies class and

¹ For purposes of this Complaint, the then-minor male perpetrator is referred to as “MP,” which does not reveal his true initials, in compliance Fed. R. Civ. P. 5.2(a), requiring the protection of a minor person’s identity in public court filings.

assigned them seats next to one another. MP then repeatedly sexually assaulted Ms. Doe at school for more than a month. As he had before, he touched Ms. Doe's breasts, touched her vagina, and digitally penetrated her vagina. Eventually, as a result of this abuse and officials' indifference, Ms. Doe left the District altogether.

6. Over the course of the last five years, the District has left Ms. Doe and her family with no choice but for Ms. Doe to transfer schools, and ultimately to be home schooled, in order to ensure Ms. Doe's well-being and safety. At the same time, the District has permitted MP—a student reported for repeatedly sexually assaulting female students on school grounds—to continue his education unaltered, without any meaningful consequences. The District has robbed Ms. Doe of her elementary, middle, and high school experiences, and subjected her to repeated sexual assault and harassment committed by a known predator, violating her Constitutional, federal, and civil rights, and causing her loss of educational benefits, physical and emotional injury, and other damages. Ms. Doe seeks injunctive relief and damages to remedy these violations.

JURISDICTION

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because this litigation involves matters of federal law, specifically claims under Title IX and claims for deprivation of civil rights under 42 U.S.C. § 1983 and the U.S. Constitution.

8. This Court also has subject matter jurisdiction pursuant to 28 U.S.C. § 1343(a)(3) & (4) because this litigation involves claims for deprivation of civil rights under 42 U.S.C. § 1983.

9. Venue in this federal district is proper pursuant to 28 U.S.C. § 1391, as all of the relevant facts giving rise to this case and damages sustained by Plaintiff occurred in this district.

PARTIES

10. Plaintiff Jane Doe is a minor and a resident of Montgomery County, Pennsylvania.² She is a high school student who began twelfth grade during the 2020-2021 academic year.

11. Julie Roe is Ms. Doe's adult sister and next friend for purposes of this lawsuit. Julie Roe has a significant relationship with Ms. Doe, and she is dedicated to Ms. Doe's best interests. Julie Roe is a resident of Montgomery County, Pennsylvania.

12. Defendant North Penn School District is a recipient of federal funds within the meaning of 20 U.S.C. § 1681(a). The District geographically lies within Montgomery and Bucks Counties, Pennsylvania. Gwynedd and North Penn High School ("North Penn") are schools within the District.

FACTS

***The District and Two Teachers Knew that MP
Sexually Assaulted Jane Doe During the 2014-2015 Academic Year***

13. Ms. Doe attended kindergarten through the sixth grade at Gwynedd, where she had an Individualized Education Plan ("IEP") for attention-deficit/hyperactivity disorder ("ADHD").

14. Early on, Ms. Doe's parents informed school officials that Ms. Doe had been sexually abused by a neighbor when she was five years old and that reminders of the abuse caused Ms. Doe to suffer anxiety. Defendant knew or should have known that Ms. Doe, as a young survivor of child sex abuse, was at a heightened risk for being sexually victimized again.

15. Ms. Doe's guidance counselor, Kristin Vaszily, put a safety plan in place to

² Jane Doe and her sister, Jane Roe, will be filing a Motion to Proceed Under Pseudonyms to protect Ms. Doe's identity and privacy as a minor and a victim of sexual harassment, including sexual assault.

handle potential triggers and to ease Ms. Doe's anxiety when it occurred.

16. During the 2014-2015 academic year, when Ms. Doe and MP were in the sixth grade, MP sexually assaulted Ms. Doe more than ten times, over and under her clothing, at school.

17. The sexual assaults, which sometimes involved MP touching Ms. Doe's breasts and/or vagina, and sometimes included digitally penetrating her vagina, happened at various places at Gwynedd—including the classroom, stairways, library, and lunchroom—and sometimes occurred during recess.

18. In October 2014, two teachers—Ruth Divver and her aide—witnessed one of the sexual assaults.

19. Ms. Divver pulled Ms. Doe and MP out of the classroom and told them that she would not inform their parents if it did not happen again.

20. However, despite being mandated reporters, neither teacher reported the assault to Ms. Doe's parents, the school guidance counselor, the District's Title IX Coordinator, or any other administrator.

21. The teachers also did not take any measures to protect Ms. Doe from MP who, left unsupervised and undisciplined, continued to sexually assault Ms. Doe at school, causing her trauma and painful flashbacks to the abuse she suffered as a five-year-old. Because the teachers failed to report the sexual assault to Ms. Doe's parents, Ms. Doe was also denied medical treatment that could have helped alleviate the trauma she was suffering.

22. In April 2015, a female student at Gwynedd reported to school officials that MP had sexually assaulted her and four other girls, including Ms. Doe, and that two teachers had seen one of the assaults against Ms. Doe.

23. After that report, Ms. Doe's mother received a call from Ms. Vaszily and Gwynedd's Principal, William C. Bowen, informing her of the student's report and asking her to meet with them at school. Ms. Doe's mother and father met with Ms. Vaszily and Mr. Bowen that same day.

24. During that meeting, Ms. Vaszily explained that another student had come forward saying that she, Ms. Doe, and three other girls had been touched inappropriately by MP and that two teachers had seen MP touch Ms. Doe in a sexually inappropriate way in October 2014. Ms. Vaszily said they believed that this had happened to Ms. Doe more than once.

25. When Ms. Doe's parents asked the Principal and guidance counselor what action would be taken against MP, the officials responded that he would be disciplined, but that they could not provide any details for supposed student privacy reasons.

26. When Ms. Doe's parents asked what action would be taken against the teachers that witnessed the sexual assaults, but failed to report them, the school officials said this was a Human Resources and union matter, and they could not provide any further details.

27. In addition to Gwynedd's Principal and guidance counselor, Dr. Elizabeth Santoro (the District's Director of Elementary Education) and Dr. Deborah McKay (the District's Director of Secondary Education) knew about the reports of MP's sexual assaults and that two teachers had witnessed MP sexually assaulting Ms. Doe in October 2014. Based on information and belief, Mr. Bowman also informed Dr. Curtis Dietrich (the District's Superintendent of Schools) of the matter.

28. Dr. Santoro told Ms. Doe's parents that Human Resources was handling the complaint regarding the teachers' failure to report the sexual assaults.

29. The District never informed Ms. Doe's parents what, if any, measures were taken

to censure the teachers, address or investigate MP's sexual misconduct, discipline MP, or otherwise stop MP from further victimizing classmates.

30. The District did not implement any measures to keep Ms. Doe and MP apart for her safety. On information and belief, MP was neither suspended nor expelled, as Ms. Doe continued to see him in the classroom.

31. The District did not inform Ms. Doe's family of Ms. Doe's rights under Title IX, and it did not offer Ms. Doe any academic services, psychological counseling, or accommodations to protect her from MP.

Jane Doe Transferred to an Out-of-Neighborhood Middle School to Avoid Further Sexual Assault by MP

32. Ms. Doe's "home" or "neighborhood" school for seventh through ninth grade was Penndale Middle School ("Penndale"),

33. Ms. Doe's parents understood that both MP and Ms. Doe were scheduled to attend Penndale starting in Fall 2015.

34. Understandably concerned that the District would not protect Ms. Doe from MP at Penndale, and kept in the dark by the District as to Ms. Doe's Title IX rights, Ms. Doe's parents felt their only viable option was to request that Ms. Doe be permitted to attend a different middle school, Pennbrook Middle School ("Pennbrook"), so that she would not encounter MP and would not be subjected to continued sexual violence or harassment.

35. The District ultimately approved the transfer, though it took nearly two months to do so. Even though it knew the reason for the transfer request, the District did not offer accommodations or protections so that Ms. Doe could safely remain at her home school. It did not suggest or require that MP change schools to avoid disrupting Ms. Doe's education path.

36. In transferring to Pennbrook, Ms. Doe had to leave behind her friends and attend a

school where she knew almost no other students, which caused her to suffer further anxiety.

The District Made Jane Doe More Vulnerable to Sexual Assault by MP in Ninth Grade by Failing to Take Appropriate Action to Protect Her

37. In Fall 2017, Ms. Doe began ninth grade at Pennbrook, and she was admitted to take classes part-time at North Montco Technical Career Center (“North Montco”).

38. Both the District and North Montco had to approve the admission of any District student, like Ms. Doe, to North Montco. Accordingly, the District knew that Ms. Doe would be attending North Montco.

39. The District also knew, but failed to inform Ms. Doe and her parents, that MP would be attending North Montco at the same time.

40. In addition, the District did not notify North Montco that MP had sexually assaulted Ms. Doe in the sixth grade or that Ms. Doe had gone to great lengths, including transferring to a different school, to protect herself from MP.

41. Early in the 2017-2018 academic year, Ms. Doe returned home from school suffering a panic attack and told her parents that she had seen MP in the hallways at North Montco.

42. Ms. Doe’s parents informed Dr. Santoro, Dr. McKay, and Dr. Dietrich of this unacceptably dangerous situation.

43. The District’s administrators wiped their hands of any responsibility, said there was nothing they could do to protect Ms. Doe from MP, and continued to permit MP to attend North Montco, without restriction.

44. Ms. Doe’s parents then contacted Dr. Dawn LeBlanc (Principal of North Montco), and informed her of MP’s sexual assaults of Ms. Doe. Given the risk of violence MP posed against Ms. Doe, and that it was traumatizing for Ms. Doe to see the assailant at school, North

Montco created a safety plan for Ms. Doe in an effort to eliminate any contact with MP at school.

45. Because North Montco, unlike the District, demonstrated at least some minimal care for Ms. Doe's safety, Ms. Doe's parents requested that Ms. Doe be allowed to attend North Montco full time, even though ninth graders typically do not do so. North Montco granted the request.

46. However, North Montco does not offer any extracurricular or athletic activities to students; students only have access to those educational benefits through their home schools. Ms. Doe, as a full-time North Montco student, had no home school and lost opportunities to participate in such programs.

47. Moreover, because North Montco did not offer most ninth grade academic classes, Ms. Doe had to take English, Science, and Algebra as online computer courses, which was very difficult for her, especially given her documented ADHD, which was known to the District.

***The District Placed Jane Doe and MP in the Same
Tenth Grade Class, Where MP Sexually Assaulted Ms. Doe Again***

48. Because Ms. Doe struggled academically while attending North Montco full-time in ninth grade, North Montco suggested that Ms. Doe attend North Montco only part-time in tenth grade.

49. Ms. Doe and her parents, North Montco, Pete Nicholson (Principal of North Penn High School), and Kyle Hassler (Assistant Principal at North Penn High School) determined that Ms. Doe would split her time between North Montco and North Penn High School, another school in the District, for her tenth-grade year.

50. On June 12, 2018, Ms. Doe and her mother met with District administrators Dr. Neil Broxterman, Juliet Matje, and Christine Kelly (all District Supervisors of Special

Education) and North Montco officials to discuss Ms. Doe's upcoming academic year. Ms. Doe's mother specifically informed both schools that they must protect Ms. Doe from MP, who posed a significant danger to Ms. Doe, and who would also be splitting his time between North Penn and North Montco.

51. On August 22, 2018, prior to the beginning of the school year, Ms. Doe and her parents met with Ms. Matje, Kate Small (Local Educational Agency representative and District employee), Michele Beach (North Penn teacher), and Megan Schoppe (North Penn special education teacher). Ms. Doe's family reminded both schools that MP must be kept away from Ms. Doe because of MP's prior history of sexually assaulting her, and the school officials agreed. The District officials promised that Ms. Doe and MP would be kept separate and Ms. Small stated she would appoint an escort to accompany Ms. Doe when traveling across North Penn's campus to North Montco.

52. Despite this agreement and the District's knowledge of the substantial risk that MP posed to Ms. Doe, the District put Ms. Doe in harm's way less than a week later.

53. When school started on August 28, 2018, North Penn placed Ms. Doe and MP in the same social studies class, with assigned seats next to each other.

54. Upon information and belief, the District failed to supervise MP at North Penn, despite knowing that he had previously sexually assaulted Ms. Doe and posed a significant danger to her.

55. Upon information and belief, the District failed to inform North Penn teachers that Ms. Doe must be protected from MP and that the District had agreed to do so.

56. MP sexually assaulted Ms. Doe in class more than ten times, touching her breasts and/or vagina on top of and underneath her clothing. The sexual assaults also increased in

severity and included digital penetration of her vagina. MP also sexually assaulted Ms. Doe on one occasion outside the classroom, while they were at a carnival.

57. Ms. Doe did not immediately report MP's sexual assaults because she feared retaliation and bullying from MP – a popular student and football star – and his teammates and friends, and because she assumed the District had put them in the same class together because it did not care about her.

58. On October 9, 2018, after suffering more than a month of MP's sexual assaults, Ms. Doe reported MP's conduct to her guidance counselor at North Montco, Kira O'Brien. North Montco then informed Ms. Doe's mother of the report by phone and provided more detail at a subsequent in-person meeting at school that same day.

59. The October 9, 2018 meeting was attended by North Montco Principal Dr. LeBlanc, North Montco guidance counselor Kira O'Brien, Towamencin Police Detective Jamie Pierluisse, Ms. Doe, and Ms. Doe's mother.

60. On October 9, 2018, after the meeting with Ms. Doe's mother, Detective Pierluisse informed North Penn Principal Pete Nicholson of the sexual assaults Ms. Doe had reported. That same day, after speaking with the police detective about the reports that MP had sexually assaulted Ms. Doe again, Mr. Nicholson called Ms. Doe's mother to discuss the matter.

***The District Has Forced Jane Doe
to Sacrifice Educational Benefits and Opportunities***

61. After Ms. Doe's family learned that the District had put Ms. Doe in harm's way and that MP had sexually assaulted Ms. Doe at school yet again, despite being reassured that Ms. Doe would be safe, Ms. Doe's mother informed North Penn's Principal, Mr. Nicholson, that she viewed the District as responsible for MP's sexual assaults of her daughter, would be removing Ms. Doe from North Penn, and would be sending her daughter to North Montco full time.

62. Ms. Doe attended North Montco on a full-time basis for the remainder of the 2018-2019 academic year. She could not participate in any extracurricular activities, sports, clubs, or other events like dances because those educational benefits are offered only by “home” schools, not by North Montco.

63. Even after District officials learned of MP’s renewed sexual assaults against Ms. Doe in October 2018, it failed to inform Ms. Doe of her rights under Title IX, failed to identify the District’s Title IX Coordinator to the family, and – as far as the Doe family knows – did not take any disciplinary action against MP. Indeed, the District continued to permit MP to attend North Montco part time, where – as the District knew – Ms. Doe attended school. Ms. Doe saw MP, the same boy who had sexually assaulted her in elementary school and then high school, nearly every single day.

64. On December 11, 2018, Ms. Doe’s mother met with the District’s Assistant Superintendent, Todd Bauer, and Supervisor of Special Education for North Penn, Ann Marie Lucas, to express her concerns about the disruption to Ms. Doe’s education, and the District’s failure to protect Ms. Doe from MP from sixth grade onward.

65. In May 2019, the District’s own psychologist evaluated Ms. Doe and determined that she had a new primary disability, emotional disturbance, and a secondary disability of ADHD.

66. Ms. Doe’s parents, out of continuing concern for Ms. Doe’s safety and the fact that the District continued to allow MP to attend North Montco part time, decided that Ms. Doe would be homeschooled for the 2019-2020 academic year. Ms. Doe went through another school year without extracurricular activities, sports, clubs, or other events, like dances. She had to take all of her classes online, which has denied her classroom interaction and socialization, and has

been difficult for her due to her disabilities. Ms. Doe is also being home schooled for the 2020-2021 academic year.

67. Ms. Doe continues to suffer from substantial anxiety, and she has engaged in self-harming behavior, including cutting. She has lacked a stable educational environment since Fall 2014, and has no solid group of friends. Ms. Doe suffers from social anxiety and, understandably, strongly distrusts teachers and school officials.

Defendant Failed to Provide Essential Title IX and Sexual Harassment Training to Administrators, Staff, Students, and Families

68. Over two decades ago, the U.S. Supreme Court stated, “[t]he number of reported cases involving sexual harassment of students in schools confirms that harassment unfortunately is an all too common aspect of the educational experience.” *Gebser v. Lago Vista Indep. Sch. Dist.*, 524 U.S. 274, 292 (1998).

69. In 1999, the U.S. Supreme Court determined that schools may be held liable in private Title IX actions for monetary damages when they are deliberately indifferent to student-on-student sexual harassment, which includes student-on-student sexual assault. *Davis v. Monroe Cty. Bd. of Educ.*, 526 U.S. 629 (1999).

70. Since 1997, the U.S. Department of Education’s Office for Civil Rights (“OCR”) has repeatedly reminded schools of their responsibility to address sexual harassment and to train their staff accordingly, in policy guidance documents and public communications.

71. Upon information and belief, despite clear notice by the U.S. Supreme Court and OCR regarding the District’s obligations to prevent and remediate the effects of sexual harassment, at all relevant times, the District failed to provide training or education to administrators, staff, students, and families regarding Title IX and student-on-student sexual harassment.

72. Upon information and belief, at all relevant times the District failed to provide training or education to administrators, staff, students, and families on protecting students from sexual harassment, interviewing victims and potential witnesses of sexual harassment, investigating reports of sexual harassment, remediating sexual harassment, and proper reporting of suspected sexual harassment to the District's employees.

73. The District's lack of training is evidenced by, among other things, the Gwynedd teachers' failure to report MP's sexual harassment of Ms. Doe to the District's Title IX Coordinator, any school administrator, or even Ms. Doe's parents; the District's failure to take any meaningful action to protect Ms. Doe from MP's continued sexual harassment at Gwynedd; the District's failure to offer any accommodations or counseling to Ms. Doe after learning that MP had sexually assaulted her at Gwynedd; the District's requiring Ms. Doe to bear the entire burden of protecting herself from MP in middle school, and favoring MP's educational opportunities over Ms. Doe's; the District's failure to take any meaningful steps to protect Ms. Doe from MP at North Penn and putting her in harm's way by placing her in the same class as her harasser, where he continued to sexually assault her; and the District's again forcing Ms. Doe to sacrifice her educational benefits and opportunities to ensure she was safe from MP.

74. Upon information and belief, at all relevant times, the District had no Title IX coordinator or other employee designated to handle complaints of sexual harassment who was adequately trained in receiving, coordinating, or investigating reports of sexual harassment against students.

75. At all relevant times, the District officially adopted sexual harassment policies that were inequitable and inadequate with respect to investigating and properly responding to reports of student-on-student sexual harassment, and, in any event, based upon information and

belief, the District failed to provide training or education on those policies to administrators, staff, students, and families.

CLAIMS FOR RELIEF

COUNT I

**Deliberate Indifference to Report of Sexual Harassment,
in Violation of Title IX, 20 U.S.C. § 1681, *et seq.*
(Resulting in a Hostile Educational Environment)**

76. Plaintiff incorporates all preceding paragraphs into this Count by reference as though fully stated here.

77. Ms. Doe suffered repeated sexual harassment by MP at school that was sufficiently severe, pervasive, and objectively offensive that it created a hostile educational environment for her.

78. The District had substantial control over MP and the context in which he sexually harassed Ms. Doe—namely, on school grounds.

79. The District had actual notice of MP's sexual harassment of Ms. Doe no later than April 2015, when another female student at Gwynedd reported that MP had sexually assaulted her and four other girls—including Ms. Doe—and Principal Bowen, Dr. Santoro, and Dr. McKay were informed of the report.

80. Principal Bowen, Dr. Santoro, and Dr. McKay were appropriate persons within the meaning of Title IX, as they had the authority to address the sexual harassment Ms. Doe suffered and institute corrective measures on the District's behalf.

81. During the 2017-2018 academic year, and in June and August 2018, Ms. Doe and her family reminded District officials, including the District's Superintendent, about MP's prior sexual harassment of Ms. Doe and the substantial danger he posed to her.

82. The District acted with deliberate indifference to reports that MP had sexually harassed Ms. Doe (and other students) during the 2014-2015 academic year, and reports that MP posed a continuing danger to Ms. Doe, which caused Ms. Doe to suffer a hostile educational environment and further sexual harassment by MP.

83. The District's response to the allegations of serial sexual harassment by MP, and the continuing danger he posed to Ms. Doe, was clearly unreasonable in light of the known circumstances—which included that two teachers had witnessed MP sexually assault Ms. Doe, that he continued to sexually assault Ms. Doe after the teachers had failed to take action on the harassment they observed, and that MP was alleged to have sexually assaulted at least four other female students during the 2014-2015 school year.

84. Through its acts and omissions, the District acted with deliberate indifference to the above-described reports about MP by, among other things:

- a. Failing to appropriately investigate, remedy, and respond to reports that MP had sexually assaulted Ms. Doe and other students during the 2014-2015 school year;
- b. Failing to take measures to stop MP from further victimizing Ms. Doe and other classmates, including by choosing not to discipline MP meaningfully in 2015 for his serial sexual misconduct;
- c. Failing to offer or provide educational accommodations, such as academic and psychological counseling, to Ms. Doe after learning of MP's sexual assaults against her during the 2014-2015 school year;
- d. Failing to inform the Doe family of Ms. Doe's rights under Title IX, or even the identity of the District Title IX Coordinator, if there was such a person in 2015;
- e. Penalizing Ms. Doe, a sexual assault victim, by forcing her to bear the entire burden of protecting herself from MP, knowing that she was required to transfer schools and sacrifice many educational benefits and opportunities in the process, while allowing MP to continue his education path without modification;

- f. Permitting MP to continue attending the same school as Ms. Doe for the 2017-2018 and 2018-2019 academic years, particularly without putting a “no contact” order in place to prevent MP from having any contact with Ms. Doe;
- g. Placing MP in the same tenth grade social studies class as Ms. Doe at North Penn, and seating him directly next to her, where MP repeatedly sexually assaulted her;
- h. Failing to inform appropriate teachers or staff at North Penn of the substantial danger MP posed to Ms. Doe; and
- i. Failing to meaningfully supervise or monitor MP at North Penn.

85. The unchecked sexual harassment deprived Ms. Doe of numerous educational opportunities and benefits. The District’s failure to properly address and respond to the sexual harassment Ms. Doe suffered at school forced her to transfer schools multiple times, sacrifice extracurricular activities, suffer further sexual harassment by MP, and ultimately leave school altogether to be homeschooled. At North Montco and in homeschooling, the majority of Ms. Doe’s classes were video-based and very difficult for Ms. Doe, given her ADHD. Ms. Doe also has suffered physical, psychological, and emotional harm due to MP’s sexual assaults and the District’s failure to take appropriate steps to respond to reports of the sexual assaults and prevent further sexual assaults from occurring.

86. As a direct and proximate result of the District’s deliberate indifference, Ms. Doe sustained and continues to sustain injuries for which she is entitled to be compensated, including but not limited to:

- a. Past, present, and future physical and psychological pain, suffering and impairment;
- b. Medical bills, counseling, and other costs and expenses for past and future medical and psychological care;
- c. Impaired educational capacity and future earning capacity;
- d. Attorneys’ fees and costs; and

- e. Such other and further relief as this Court deems just and proper.

COUNT II
Deliberate Indifference to Prior Sexual Harassment,
in Violation of Title IX, 20 U.S.C. § 1681, *et seq.*
(Resulting in Further Sexual Harassment)

87. Plaintiff incorporates all preceding paragraphs into this Count by reference as though fully stated here.

88. Before MP sexually assaulted Ms. Doe in the early part of their tenth-grade year, the District had actual notice that MP had sexually assaulted Ms. Doe while they were in sixth grade.

89. The District also had actual notice that there was a substantial risk that MP would sexually assault Ms. Doe again, if given the opportunity to be in close proximity to her.

90. District officials, with the actual notice described above, had the authority to address the substantial risk MP posed to Ms. Doe, and had authority to take corrective measures by, among other things, putting a “no contact” order in place that would have prohibited MP from sharing a class with, being in close proximity to, and contacting Ms. Doe; not allowing MP to share a class with Ms. Doe; informing appropriate teachers and staff that MP was not permitted to share a class with or be in close proximity to Ms. Doe; supervising MP to ensure that he was not permitted any contact with Ms. Doe; or not allowing MP to attend the same school as Ms. Doe.

91. The District’s failure to address the substantial risk MP posed to Ms. Doe, given prior reports about his sexual harassment of Ms. Doe and others, was clearly unreasonable in light of the known circumstances.

92. By its acts and omissions, the District was deliberately indifferent to the substantial risk that MP would sexually assault Ms. Doe again.

93. As a result of the District's deliberate indifference, Ms. Doe was subjected to severe, pervasive, and objectively offensive sexual harassment by MP yet again in tenth grade.

94. The District had substantial control over MP and the context in which he sexually harassed Ms. Doe in tenth grade—namely, on school grounds.

95. The preventable sexual assaults that Ms. Doe suffered in tenth grade were so severe, pervasive and objectively offensive that they deprived her of access to educational opportunities and benefits, including a safe educational environment, forcing her to leave North Penn, sacrifice extracurricular activities and social interaction with peers, and be homeschooled. Ms. Doe also has suffered physical, psychological, and emotional harm due to MP's sexual assaults and the District's failure prevent the repeated sexual assaults in tenth grade from occurring.

96. As a direct and proximate result of the District's deliberate indifference, Ms. Doe sustained and continues to sustain injuries for which she is entitled to be compensated, including but not limited to:

- a. Past, present, and future physical and psychological pain, suffering and impairment;
- b. Medical bills, counseling, and other costs and expenses for past and future medical and psychological care;
- c. Impaired educational capacity and future earning capacity;
- d. Attorneys' fees and costs; and
- e. Such other and further relief as this Court deems just and proper.

COUNT III
Failure to Train, in Violation of Plaintiff's
Constitutional and Federal Rights, pursuant to 42 U.S.C. § 1983

97. Plaintiff incorporates all preceding paragraphs into this Count by reference as though fully stated herein.

98. The District is subject to 42 U.S.C. § 1983.

99. Student-on-student sexual harassment that a school district refuses to remedy is a form of unlawful sex discrimination that violates a student's rights under the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.

100. Plaintiff had federal civil rights secured by Title IX of the Education Amendments of 1972, which provides in pertinent part: "[N]o person . . . shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

101. Title IX was intended to benefit students like Ms. Doe.

102. Title IX provides students like Ms. Doe clear federal rights, which are not amorphous or vague, to be free from known sex discrimination at school.

103. The U.S. Supreme Court, in *Fitzgerald v. Barnstable Sch. Comm.*, 555 U.S. 246, 255-58 (2009), stated, "we conclude that Title IX was not meant to be an exclusive mechanism for addressing gender discrimination in schools," and held a plaintiff may bring causes of action under both Title IX and § 1983 for unlawful sex discrimination.

104. At all relevant times, the District had unconstitutional customs, policies or practices of failing to properly or sufficiently train administrators, teachers, staff, volunteers, students, and families concerning sex discrimination and sexual harassment against students; Title IX and/or student-on-student sexual harassment; and identifying, investigating, reporting, preventing, and remedying the effects of student-on-student sexual harassment.

105. At all relevant times, the District had unconstitutional customs, policies or practices of failing to properly or sufficiently train administrators, teachers, staff, volunteers, students, and families concerning school policies on sex discrimination and sexual harassment

against students, Title IX and/or student-on-student sexual harassment, and identifying, investigating, reporting, preventing, and stopping student-on-student sexual harassment.

106. The District failed to provide such training to its administrators, teachers, staff, students, and families despite the patently obvious need for training on, among other things, student-on-student sexual harassment and identifying, investigating, reporting, stopping, and remediating the effects of sexual harassment.

107. Numerous authorities, including the U.S. Supreme Court and U.S. Department of Education, made clear and gave notice to the District that school employees will confront student-on-student sexual harassment and abuse with regularity, given the high predictability, recurrence, prevalence, and injurious nature of such harassment and abuse in schools. Thus, it was foreseeable and inevitable that the District's administrators and employees would encounter recurrent situations involving sexual harassment, including sexual assault, that implicated students' Constitutional and federal rights, and it did, in fact, encounter those recurring situations.

108. The District failed to adequately train its administrators, teachers, staff, students, and families, and thereby failed to prohibit or discourage foreseeable sexual harassment and assault, despite the clearly established and well-known dangers of sexual abuse, harassment, assault, battery, and violence faced by students in U.S. public schools.

109. The District failed to provide such training in light of foreseeable consequences that could result from a lack of instruction, including, but not limited to, student-on-student sexual harassment, as Ms. Doe experienced.

110. The District's failure to train its administrators, teachers, staff, students, and families amounted to deliberate indifference to the rights of students, with whom the District's employees had routine and regular contact.

111. The District's failure to train its administrators, teachers, staff, students, and families caused Ms. Doe to suffer ongoing sexual harassment in violation of her Constitutional and federal rights.

112. The District's failure to train administrators, staff, students, and families was deliberate, reckless, and in callous indifference to Ms. Doe's Constitutional and federal rights.

113. The District's customs, policies, and practices for responding to reports of student-on-student sexual harassment, including reports of MP's sexual harassment of Ms. Doe and other students, were so clearly inadequate that they give rise to a reasonable inference that the District acquiesced in the sexual harassment.

114. As a direct and proximate result of the District's deliberate indifference to and violation of Ms. Doe's established Constitutional and federal rights, Ms. Doe suffered, and continues to suffer, injuries for which she is entitled to be compensated, including but not limited to:

- a. Past, present, and future physical and psychological pain, suffering and impairment;
- b. Medical bills, counseling, and other costs and expenses for past and future medical and psychological care;
- c. Impaired educational capacity and future earning capacity;
- d. Attorneys' fees and costs; and
- e. Such other and further relief as this Court deems just and proper.

PRAYER FOR RELIEF

Plaintiff requests that the Court enter judgment in favor of Plaintiff and against

Defendant, awarding Plaintiff her compensatory damages in an amount to be established at trial, equitable relief, reasonable attorneys' fees and costs, legal interest, and such other relief as the Court may deem just and proper under the circumstances.

JURY DEMAND

Plaintiff respectfully demands a trial by a jury.

Date: October 15, 2020

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**pro hac vice motions to be filed*

EXHIBIT “B”

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
NO. 2:20-CV-05142

JANE DOE,)	DEPOSITION UPON
)	
Plaintiff,)	ORAL EXAMINATION
)	
- vs -)	OF
)	
NORTH PENN SCHOOL)	
DISTRICT,)	
)	
Defendant.)	
- - - - -)	

TRANSCRIPT OF DEPOSITION,
taken by and before JAMES J. GALLAGHER, JR.,
Professional Reporter and Notary Public, at
FREIWALD LAW, 1500 Walnut Street, 18th Floor,
Philadelphia, Pennsylvania, on Tuesday,
November 2, 2021, commencing at 10:05 a.m.

ERSA COURT REPORTERS
30 South 17th Street
United Plaza - Suite 1520
Philadelphia, PA 19103
(215) 564-1233

1 APPEARANCES:

2

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6

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Attorney for the Defendant

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INDEX

WITNESS

PAGE

[REDACTED]

By: MS. JORDAN

4

- - -

EXHIBITS

NUMBER	DESCRIPTION	MARKED ATTACHED
(NO EXHIBITS WERE MARKED.)		

- - -

1 PROCEEDINGS

2
3 (By agreement of counsel,
4 the signing, sealing, filing, and
5 certification of the transcript have been
6 waived; and all objections, except as to
7 the form of the question, have been
8 reserved until the time of trial.)
9

10 [REDACTED], after having
11 been duly sworn, was examined and testified
12 as follows:
13

14 BY MS. JORDAN:

15 Q. Good morning, [REDACTED]. I was introduced to
16 you before. My name is Maureen Jordan and I
17 represent the school district regarding the lawsuit
18 that you filed against it. Before we start, I just
19 want to say that it is not my intention to upset you
20 today. I know that I'm going to be asking you
21 questions that are going to be very difficult for
22 you to answer, because they're going to bring up
23 unpleasant memories and thoughts and it's certainly
24 not my intention to upset you in any way, to cause

1 you trauma, to make you go to a place you don't want
2 to go. However, I do have a duty as counsel for the
3 school district to ask you the questions. So I just
4 wanted to let you know that if you need to take a
5 break for any reason, please let us know and you can
6 have as long as you need to gather your thoughts to
7 proceed.

8 It's also not my intention to trick you in
9 any way. If I ask you a question and you don't
10 understand my question, let me know and I'll try and
11 rephrase it so that you do understand; do you
12 understand that?

13 A. (Witness nods.) Uh-huh.

14 Q. And you're shaking your head and you --

15 A. Oh, yeah. Sorry.

16 Q. In normal conversation that's fine, you can
17 use body language to convey something to me, but you
18 also have to give me a verbal response using
19 complete words and/or sentences; do you understand
20 that?

21 A. Yes.

22 Q. If I ask you a question and you can't
23 remember the answer to the question, because of the
24 passage of time or you simply don't know the answer

1 to my questions, that's fine, just let me know that,
2 because I don't want you to guess at anything; do
3 you understand that?

4 A. Yes.

5 Q. Okay. And it's also not my intention to
6 embarrass you. And I know these questions -- some
7 of them that I'm going to ask can be embarrassing.
8 If you need to take a break for that reason as well,
9 that's fine too. For any reason you want to take a
10 break, you can take a break, okay?

11 A. Yes.

12 Q. Also, your your counsel is here and you can
13 talk to Laura if you need to. However, if there is
14 a question posed, I would ask that you answer my
15 question and then you and Laura can take a break and
16 have a conversation; do you understand that?

17 A. Yep.

18 Q. Are you currently taking any type of
19 medication or suffering from any illness or
20 infirmity that would prevent you from understanding
21 my questions and answering to the best of your
22 ability?

23 A. No. Just maybe I might have to ask you to
24 repeat a few times because of my AD/HD, but that's

1 about it.

2 Q. Okay. Let me know if you need me to repeat
3 a question and I'll be happy to do so.

4 A. Okay.

5 Q. Also, I believe I said if you don't
6 understand my question, let me know and I'll
7 rephrase it so that you do understand.

8 A. Uh-huh.

9 Q. Can you state your full name?

10 A. [REDACTED].

11 Q. What is your date of birth?

12 A. [REDACTED].

13 Q. And currently, how old are you?

14 A. Eighteen.

15 Q. Where do you reside?

16 A. 644 Garfield Avenue, Lansdale, Pa.

17 Q. And how long have you lived at that
18 address?

19 A. My whole life.

20 Q. That's your family home?

21 A. Uh-huh.

22 Q. Is that a yes?

23 A. Yes. Sorry.

24 Q. Who do you reside there with?

- 1 A. My mother and my father.
- 2 Q. And what's your mom's name?
- 3 A. [REDACTED] [REDACTED].
- 4 Q. And what's your dad's name?
- 5 A. Charles Dean [REDACTED].
- 6 Q. Do you have any siblings?
- 7 A. Yes. I have one older sister and one older
- 8 brother. My sister is [REDACTED] [REDACTED] and my brother
- 9 is Cody [REDACTED].
- 10 Q. How old is [REDACTED] if you know?
- 11 A. I want to say 27 or 28.
- 12 Q. And how about Cody?
- 13 A. He's 27 to 29.
- 14 Q. And would I be correct that neither of your
- 15 siblings reside in the family home currently?
- 16 A. Yes.
- 17 Q. When is the last time [REDACTED] lived at
- 18 home, if you know?
- 19 A. I want to say it was maybe two or three
- 20 years ago.
- 21 Q. And how about Cody?
- 22 A. Over seven years ago.
- 23 Q. Are you currently employed?
- 24 A. Right now with my father and his company.

- 1 Q. What is the name of your dad's company?
- 2 A. H5 Contracting.
- 3 Q. And what does your dad's company do?
- 4 A. Basically general construction.
- 5 Q. And where is your dad's business located?
- 6 A. Near Pennbrook. I don't know the road.
- 7 Q. And what is your job with your dad's
- 8 company?
- 9 A. Basically I'm kind of like a shop manager
- 10 and then just basically a general employee for
- 11 whenever he needs me.
- 12 Q. What are some of the things you do as the
- 13 shop manager/general employee?
- 14 A. I help keep the shop in order and like
- 15 organized or work on any jobs if his employees are
- 16 out and help him get just some of the stuff under
- 17 control with the company.
- 18 Q. So in regard to the shop that you oversee,
- 19 is that overseeing materials for construction or
- 20 machinery for construction?
- 21 A. Just kind of where everything is organized,
- 22 so that when he comes in and has to put his tools
- 23 away he can basically put them in an organized
- 24 fashion. He kind of oversees what comes into the

1 shop and what goes out, but I just kind of make sure
2 that it's all good to go so that he can come in day
3 to day.

4 Q. And is your father a carpenter by trade?

5 A. What does that -- like what does that mean,
6 so --

7 Q. Is he doing construction projects where he
8 is working with the wood or --

9 A. Oh, yeah.

10 Q. -- materials that make --

11 A. Oh, yeah.

12 Q. -- the buildings?

13 A. Oh, yeah. He's the one that goes out and
14 he basically does all the job sites and he works on
15 every job site. There isn't a building -- or a job
16 that he hasn't actually gone in and touched and
17 probably actually ran the entire thing.

18 Q. And how many employees other than you and
19 your dad work at the company?

20 A. Two others at the moment.

21 Q. So when you're filling in for an employee,
22 are you actually doing construction work?

23 A. Yeah.

24 Q. And did your dad teach you how to do that?

1 A. Yeah. He's in the process of teaching me
2 now.

3 Q. Okay. Prior to working for your dad, did
4 you have any another job?

5 A. I had one at the Village Tea House and I
6 had one at the Kindle Hill Foundation.

7 Q. What is the Kindle Hill Foundation?

8 A. It is an equine therapy or assisted
9 program.

10 Q. And when you say equine, you mean horses?

11 A. Yeah.

12 Q. And where is that located?

13 A. Blue Bell.

14 Q. And what did you do for the foundation?

15 A. I basically ran -- helped manage Sally's
16 day-to-day stuff. I helped her with the horses and
17 I would help her tack up, ride them, bring them
18 back. I would help her on the other side where the
19 actual foundation -- or the therapy foundation was
20 and was kind of just a stablehand and a manager and
21 helped with the guests.

22 Q. And for how long did you work as an
23 employee for the Kindle Hill Foundation?

24 A. Probably about a year, a year and a half.

1 Q. And when did that timeframe occur, if you
2 remember?

3 A. Probably around 12th -- or I was in 12th
4 grade.

5 Q. And were you in 12th grade from the fall of
6 2020 to the spring of 2021?

7 A. Yes.

8 Q. And were you paid by the hour?

9 A. I wasn't really a paid student. I was a
10 working like student kind of thing there.

11 Q. Okay. So as a working student, did you
12 participate in the horse therapy as well as help her
13 out?

14 A. Yeah. I kind of ran basically everything
15 from the horse therapy program to the day-to-day
16 stuff on her personal life.

17 Q. But did you receive monetary compensation
18 for that?

19 A. No. It was a mess. It was -- yeah, it was
20 a mess.

21 Q. And were you doing those activities at the
22 Kindle Hill Foundation to help Sally?

23 A. Yes.

24 Q. And is Sally a personal friend?

1 A. She was, yes.

2 Q. And did you meet Sally by participating in
3 therapy at the Kindle Hill Foundation?

4 A. No. I met them from my dad actually
5 getting a job over at the barn and her basically
6 asking us to help redo the entire barn so that she
7 could up and run it and maintain it, because it got
8 abused by the other like owner that had it prior to
9 that.

10 Q. And what did you do at the Village Tea
11 House?

12 A. Kind of just basically did general managing
13 or I was cleaning up outside. I would help on the
14 inside with the tea and serve once in a while and
15 like help clean up tables.

16 Q. So is the Village Tea House a restaurant
17 where tea is served and food to go with it?

18 A. Yeah. It's a proper tea house. It's like
19 you come in and sit down, you get your like three
20 course meal and it's -- you don't even get entrees,
21 you get meals with like little -- what is it? Like
22 the sweet desserts -- or like the sweet treats and
23 all that stuff and then you also get like a big
24 thing of tea where you get to pour your own tea and

1 try a bunch of different kinds.

2 Q. And where is that located?

3 A. It's actually right down the street from my
4 house. It's in North Wales, so --

5 Q. How long did you work at the Village Tea
6 House?

7 A. Probably like a month or two.

8 Q. And were you paid compensation for working
9 there?

10 A. Yes, I was paid compensation there.

11 Q. Was that by the hour?

12 A. Yes.

13 Q. And do you recall what your hourly wage
14 was?

15 A. It was \$9 an hour.

16 Q. And did you work there while you were in
17 school or after you graduated?

18 A. After I graduated.

19 Q. And do you have a recollection as to the
20 timeframe in 2021 when you worked there?

21 A. A little bit after -- like maybe a week or
22 a week and a half after I graduated.

23 Q. And did you graduate in May?

24 A. I --

1 Q. If you remember? If you don't remember,
2 don't worry about it.

3 A. Honestly, I don't remember. I remember
4 there was a month in between -- or there was a few
5 months in between Sally's and the tea house and then
6 like a month or two between the tea house and me
7 going to work for my dad.

8 Q. So why did you leave the tea house?

9 A. I just had some issues that I had to end up
10 pulling myself out of the tea house, because it
11 wasn't beneficial for me to work there and it wasn't
12 beneficial for them.

13 Q. And I believe you said that there was a
14 month or two between working at the tea house when
15 you then started helping Sally out at the Kindle
16 Hill Foundation, correct?

17 A. Sally's was first and then I waited for --
18 or there were a few months between that that I
19 worked at the tea house and then there was like a
20 month or two maybe between when I worked with my
21 dad.

22 Q. Okay. Thank you. I'm sorry for
23 misunderstanding.

24 A. Oh, no. You're all good.

1 Q. Working for your father now, are you paid a
2 salary?
3 A. Uh-huh.
4 Q. And is that hourly?
5 A. Yes.
6 Q. And how much do you earn hourly?
7 A. \$10 an hour.
8 Q. And do you work a minimum of 40 hours a
9 week?
10 A. Yes.
11 Q. Now, you graduated from high school this
12 spring, correct?
13 A. Uh-huh.
14 Q. And you graduated from North Penn School
15 District?
16 A. Yes.
17 Q. And you attended the graduation ceremony,
18 correct?
19 A. Yes.
20 Q. And in attending the ceremony you wore a
21 cap and gown and participated in that ceremony?
22 A. Yes.
23 Q. Okay. And your diploma is from North Penn
24 High School?

- 1 A. Yes.
- 2 Q. Do you currently have a family doctor that
3 you see when you need to see a doctor?
- 4 A. Not at the moment.
- 5 Q. Did you ever have a family doctor?
- 6 A. I had a pediatrician, that was about it.
- 7 Q. What was the name of your pediatrician, if
8 you remember?
- 9 A. Dr. Bandi, B-A-N-D-I.
- 10 Q. Where is Dr. Bandi located, if you know?
- 11 A. I almost want to say Lansdale, I would
12 think. I'm not 100 percent sure though.
- 13 Q. And was Dr. Bandi your pediatrician from
14 when you were born to when you turned 18?
- 15 A. Until a few months ago, yes.
- 16 Q. And is the reason you currently don't have
17 a family doctor because you turned 18 and you
18 haven't needed a doctor?
- 19 A. We just haven't been able to actually get
20 me -- or get a doctor. We're actually in the
21 process of getting me a doctor right now, so --
- 22 Q. Okay. So you're looking for a family
23 physician?
- 24 A. Uh-huh.

1 MS. LAUGHLIN: Yes?

2 THE WITNESS: Yes. Sorry.

3 MS. LAUGHLIN: That's okay.

4 BY MS. JORDAN:

5 Q. Yeah, everybody does it.

6 Are you currently seeing any type of
7 psychologist or counseling?

8 A. No.

9 Q. Are you currently seeing a psychiatrist for
10 any reason?

11 A. No.

12 Q. Have you seen a counselor in the past?

13 A. Yes.

14 Q. Do you recall who you last saw?

15 A. A guy named Sean. I don't remember his
16 last name off the top of my head though.

17 Q. Okay. Have you ever seen a psychiatrist to
18 your knowledge?

19 A. Yes.

20 Q. Who is the psychiatrist that you saw?

21 A. I have no clue what his name is.

22 Q. Do you recall when the last time is that
23 you saw a psychiatrist?

24 A. Probably around ninth or tenth grade.

1 Q. Do you have a recollection as to why you
2 saw a psychiatrist in ninth or tenth grade?

3 A. I was going through some issues with school
4 and -- yeah. I was just having some problems and we
5 thought we could get me some help, so --

6 Q. Do you have a recollection as to whether
7 this psychiatrist prescribed any type of medication
8 for you?

9 A. He never did.

10 Q. Do you currently take any type of
11 medication?

12 A. I'm in the process of getting my MMJ card,
13 but that's about it as far as -- I've been through
14 -- we're also in the process of getting me a
15 therapist, but that's about it.

16 Q. And is the reason that you need a family
17 doctor so that you can get a prescription for
18 medical marijuana?

19 A. That, and I need it for my Adderall for my
20 AD/HD and just because I ended up working the job
21 that I do with construction and I ride horses, so
22 just in case anything happens we just kind of want
23 to have a doctor on hand.

24 Q. Are you taking Adderall?

1 A. Yes.

2 Q. And did Dr. Bandi prescribe that up until
3 this point?

4 A. Yes.

5 Q. Do you recall when you were first
6 prescribed Adderall?

7 A. Probably when I was maybe eight or nine.

8 Q. And that was in relationship to a diagnosis
9 of attention deficit disorder?

10 A. I was diagnosed before that. I was on
11 Concerta for a little bit before that, but it wasn't
12 working as well as it should have, so then we
13 switched over to Adderall.

14 Q. And am I correct that when you began
15 attending school it was at Gwynedd Square
16 Elementary?

17 A. Yes.

18 Q. And so you attended Gwynedd Square
19 Elementary from kindergarten through sixth grade?

20 A. Yes.

21 Q. Now, where is Gwynedd Square Elementary in
22 relationship to your home?

23 A. It's probably 20 -- or not even 20 minutes
24 away. It's -- North Wales, I want to say it is.

1 Q. And would you have been bussed to school
2 every day?

3 A. Yes.

4 Q. Would I be correct that because of the age
5 difference with your siblings you attended -- you
6 would get on the bus by yourself, not with siblings?

7 A. Yes.

8 Q. And if I understand your answer to a
9 previous question, do you believe that you were
10 first diagnosed with attention deficit disorder when
11 you were eight or nine years old?

12 A. No. It was probably around six or seven,
13 because I was on a medication for AD/HD before I was
14 on the Adderall.

15 Q. I'm sorry. I misunderstand. Did Dr. Bandi
16 make that diagnosis?

17 A. Yes.

18 Q. Do you recall what type of difficulties you
19 were having prior to the diagnosis being made?

20 A. Yeah. I couldn't pay attention. When I
21 would try to pay attention to something, I could get
22 it from -- or if I was trying to work on a math
23 problem, I would be maybe getting one or two
24 problems and then I wouldn't understand the rest of

1 them no matter if I did understand them like
2 previous to that. Then it was just the focusing and
3 trying to stay on task and like actually paying
4 attention to what I'm learning.

5 Q. Once you were given the appropriate dosage
6 of Adderall, did you see an improvement in your
7 focus and attention?

8 A. Yes.

9 Q. After you were diagnosed with AD/HD by Dr.
10 Bandi when you were six or seven, would you have
11 been in first grade at the time?

12 A. Yeah.

13 Q. Do you have a recollection as to whether
14 the diagnosis and relationship to school, whether
15 you were assigned a case manager at that time?

16 A. I think I would have and that might have
17 been the counselor, if anything, but I'm not too
18 sure.

19 Q. Do you have any recollection as to who your
20 first case manager was at Gwynedd Square?

21 A. No, I actually don't.

22 Q. Now, when you were assigned a case manager
23 at your elementary school, would you meet with your
24 case manager on a regular basis during the school

1 term?

2 A. I don't think I did. Unless my case
3 manager was one of the assistant teachers -- or one
4 of the assistant teachers is something that I don't
5 think I did.

6 Q. Okay. Now, [REDACTED] was in your sixth
7 grade class, correct?

8 A. Yes.

9 Q. However, had you met him prior to sixth
10 grade?

11 A. Yes.

12 Q. Do you have a recollection as to when you
13 first met [REDACTED]?

14 A. Probably like third or fourth grade is the
15 only time -- is the earliest I could remember
16 meeting him.

17 Q. And did you meet him because he was a
18 student at Gwynedd Square?

19 A. No. It was because he actually liked to
20 hang out with my one friend named John.

21 Q. Okay. In third or fourth grade, when you
22 have a recollection of first meeting [REDACTED],
23 did he attend the same elementary school as you?

24 A. Yeah.

1 Q. Okay. So you met him through your friend
2 John?

3 A. No. It was more the fact that he was just
4 kind of in the group of people that I knew. So it
5 was just kind of like, oh, hey, you're there kind of
6 a thing, but it wasn't like I'm friends with you,
7 you're just there as an addition to the party kind
8 of thing.

9 Q. Okay. So you just became aware of who he
10 was through being in a school group?

11 A. Yeah.

12 Q. When you first met [REDACTED] when you
13 believe you were in third or fourth grade and he was
14 in the social group, did there come a point in time
15 when you began socializing with him at any time
16 outside of school?

17 A. No. I never socialized with students
18 outside of school.

19 Q. When was the first time you became aware of
20 [REDACTED] being a student in any of your classes?

21 A. Like fourth, fifth grade maybe.

22 Q. Now, in fifth grade at Gwynedd Square, did
23 you change classes or did you stay in the same
24 classroom?

1 A. I don't remember third or fourth grade, but
2 I do remember that we would switch classes for fifth
3 and sixth.

4 Q. And would everyone in the class switch to
5 another room or could you have different classes
6 with different students, if you understand my
7 question?

8 A. Yeah. In sixth grade it was like that, but
9 in fifth grade you kind of had everyone just going
10 along to each class.

11 Q. So if I understand your answer, in fifth
12 grade everyone that was in your first class was in
13 all of your classes in fifth grade?

14 A. Yeah. Yeah. I think that's how it was.
15 They could have been switching. I'm not too sure.
16 All I remember was that you would kind of go up and
17 change classes for each course.

18 Q. Okay. And [REDACTED] was in your fifth
19 grade class to your recollection?

20 A. Yes.

21 Q. Now, was Holly Garrett your case manager in
22 fifth grade?

23 A. That sounds familiar. Probably.

24 Q. Okay. In fifth grade, do you have any

1 recollection of meeting with Ms. Garrett on a
2 regular basis relative to your coursework?

3 A. Honestly, off the names, I don't know -- I
4 don't -- what did she -- do you know what she looks
5 like?

6 Q. If you don't know, that's fine.

7 A. I have no clue, but like the name sounds
8 familiar, but --

9 MS. LAUGHLIN: If I could just
10 interject for a second, didn't she get
11 married and now she's Garrett and before
12 she was Holly Andrews?

13 MS. JORDAN: Oh, you're right.

14 THE WITNESS: Yeah.

15 MS. LAUGHLIN: Sorry. I didn't
16 mean to interrupt.

17 MS. JORDAN: No. I appreciate
18 that.

19 THE WITNESS: Yeah, she was 100
20 percent my case manager; and, yes, I did
21 meet with her.

22 MS. JORDAN: Okay. I totally
23 forgot about that. Thank you.

24 THE WITNESS: I'm like the first

1 name sounds familiar.

2 BY MS. JORDAN:

3 Q. So you knew her as Holly Andrews when you
4 were in fifth grade, correct?

5 A. Yes.

6 Q. And she was your case manager, correct?

7 A. Yes.

8 Q. And you did meet with her on a regular
9 basis?

10 A. Yes.

11 Q. And would that be throughout the school
12 week you would be interacting with her?

13 A. I mean like one to two weeks she was in my
14 classes helping with the students when we would
15 switch classes, because there were like two that
16 really needed her help, but, yeah, she -- yeah. I
17 mean I would see her once in a while, but we would
18 actually meet together maybe once or twice in her
19 classroom.

20 Q. Okay. Then in sixth grade, if I understand
21 your testimony, not everyone was necessarily in all
22 of your classes, correct?

23 A. Yes.

24 Q. And in sixth grade, was [REDACTED] in

1 some of your classes?

2 A. Yes.

3 Q. Do you have any recollection as to how many
4 classes he was in?

5 A. Library. I want to say science. I don't
6 think he was in math. He was in Ms. Divers (ph)
7 class.

8 Q. Is that language arts?

9 A. I think so. I can't remember. It was one
10 of those two. I don't remember doing -- I think I
11 did ELA in the back or something like that. I don't
12 remember that one. I don't think he was in that one
13 either.

14 Q. What is ELA?

15 A. Oh, wait. That one is English, so probably
16 a different -- maybe history. I'm not 100 percent
17 sure.

18 Q. Okay. And in sixth grade, would you meet
19 with Ms. Andrews as your case manager to discuss
20 your caseload, your work in school?

21 A. She would just kind of take me in there to
22 study and just do work and that was kind of about
23 it.

24 Q. When you say that was about it, did she

1 ever ask you how you were doing in school?

2 A. I mean, yeah, she would ask how I was
3 doing, but she wouldn't like actually help in the
4 sense of the subject. She would more just kind of
5 be like, hey, how are you doing? Hey, you're
6 failing this, this and this. Now go work on your
7 work kind of thing. Then send us off on our way to
8 work in her class and check in with us maybe once or
9 twice, but that was about it.

10 Q. So when she would tell you that you were
11 doing poorly in school, is it your testimony that
12 she wouldn't try to work with you in how to improve
13 your studying to get better grades?

14 MS. LAUGHLIN: Object to the
15 form. You can answer.

16 THE WITNESS: I mean she would
17 help you, but like it wouldn't be something
18 like when she would help you it would
19 exactly be a pleasant experience. It would
20 just kind of be like, all right, if I ask
21 you to help me, you're just kind of going
22 to tell me how -- not exactly how to do it,
23 but how to understand how to do it. You're
24 just going to like make me feel stupid, so

1 I'm just kind of -- if that makes any --

2 I'm not trying to say she was a bad person.

3 BY MS. JORDAN:

4 Q. From what you've told me, would I be
5 correct that you didn't feel as though your
6 interactions with Ms. Andrews were positive in
7 helping you improve your academics at elementary
8 school?

9 A. She had another teacher around with her. I
10 don't remember her name, but she was small -- and
11 I'm not saying this in any bad way, but she had dark
12 skin and she was small and -- I don't remember --
13 but she would kind of always come around and like --
14 I don't -- it would be like a bull in a China shop.
15 She would come and like take you over and your work
16 and stuff like that and Ms. Holly wouldn't exactly
17 interact with you as much as she would, but I don't
18 remember her name.

19 Q. Do you know if the person you just
20 described was a student teacher?

21 A. I don't know. She was maybe one of the
22 assistant teachers. I'm not too sure.

23 Q. Now, when she would interact with you, was
24 that a positive experience?

- 1 A. No.
- 2 Q. Now, you previously identified that Ms.
3 Divers was one of your teachers, correct?
- 4 A. Yes.
- 5 Q. And she was your English or language arts
6 teacher, correct?
- 7 A. Yes.
- 8 Q. And that's one of the classes that you do
9 recall that [REDACTED] was in your class, correct?
- 10 A. Yes.
- 11 Q. And in the classroom, in Ms. Divers' class
12 in sixth grade, where did you sit in relationship to
13 [REDACTED], if you remember?
- 14 A. Across the room. I think he would sit at
15 the top corner or something like that and I would
16 sit at the bottom, but I'm not 100 percent sure
17 though.
- 18 Q. So would I be correct that you did not sit
19 next to each other on a daily basis?
- 20 A. No.
- 21 Q. Okay. Now, in regard to your lawsuit,
22 there is an incident that occurred in Ms. Divers'
23 class, correct?
- 24 A. Yes.

1 Q. And that involved [REDACTED], correct?

2 A. Yes.

3 Q. And am I correct that on that particular
4 day you and [REDACTED] were partners on a project
5 of some kind?

6 A. Yes.

7 Q. How is it that you and [REDACTED] became
8 partners?

9 A. I think it was either he kind of like told
10 me to go over there or one of the teachers assigned
11 us. I don't remember exactly how it happened, but
12 all I remember is that we were kind of sitting at
13 the table together and we were next to each other
14 and we were just kind of working on a project, but
15 I'm not 100 percent sure what it was or --

16 Q. Okay. So if I understand your testimony,
17 you were [REDACTED] partner that day in a
18 project, but you don't recall how you came to be
19 partners or what you were working on?

20 A. It was either he called me over there and
21 like told me to go over there or Ms. Divers assigned
22 us over there and -- yeah, I'm not 100 percent sure
23 on that.

24 Q. And when you say that he told me to go over

1 there, you're referring to [REDACTED], correct?

2 A. Yeah.

3 Q. Had you ever been partners with [REDACTED]

4 [REDACTED] in any class on a project before?

5 A. I think the only one else would be

6 D'Elia's, but I'm not too sure if that's -- that's

7 sixth grade, so, yeah, I believe, and that was --

8 yeah. It was in science class and we would do a few

9 projects together or he would like tell me to do a

10 few projects together with him or she would put us

11 together and then we would do projects together.

12 Q. Now, it was during this period of time that

13 you were in language arts class where [REDACTED]

14 touched you inappropriately, correct?

15 A. Uh-huh.

16 MS. LAUGHLIN: Is that yes?

17 THE WITNESS: Yes. Sorry.

18 MS. LAUGHLIN: That's okay.

19 BY MS. JORDAN:

20 Q. Can you describe for me what occurred in

21 that language arts class?

22 A. So we were working on a project and I was

23 trying to -- I was trying to do whatever we were

24 doing and the next thing you know -- like he would

1 always like try to turn a little bit to the side so
2 he didn't look like suspicious and then try to take
3 his hand and graze my back or my back under my shirt
4 or he would try to like graze my chest or like my
5 chest area and then anytime the teacher was looking
6 he would like take it away really quickly and --

7 Q. When he attempted to touch your chest area
8 or graze your chest area, was that over your
9 clothes?

10 A. No. It was under.

11 Q. And was that the first time that [REDACTED]
12 touched you inappropriately?

13 A. I want to say yes.

14 Q. And when he first began to touch you,
15 either under your shirt in the back or the front,
16 what if anything did you do?

17 A. I would try to shove him off or close my
18 arm off so he couldn't get under. Because he would
19 try to go under his arm so it didn't like look
20 suspicious or anything like that. So I would try to
21 like shake him off or tell him no or push him off
22 and he wouldn't exactly stop.

23 Q. And am I correct that Ms. Andrews saw what
24 [REDACTED] was doing?

1 A. Yes.

2 Q. And did you see yourself looking at the
3 front of the classroom that Ms. Andrews saw what
4 [REDACTED] was doing?

5 A. Uh-huh.

6 Q. And is that because you made eye contact
7 with her --

8 A. Yes.

9 Q. -- at the time?

10 A. Uh-huh.

11 Q. And when you were aware that Ms. Andrews
12 could see what [REDACTED] was doing then what happened?

13 A. She kind of pointed to us and said [REDACTED],
14 [REDACTED], out in the hall and then we went out into
15 the hall to talk with her.

16 Q. And do you recall what she asked you?

17 A. She was asking us -- or she was like I saw
18 -- she was just like I saw your hand -- pointing
19 over to [REDACTED] like your hand up her shirt; am I
20 correct? And like looked at both of us. I kind of
21 looked at her like yeah. And he looked at her and
22 goes like no. She was like all right. Well, if I
23 do not see this again I will not tell the principal
24 or your parents. Go into the room, go sit at your

1 desks and move. Don't do it again kind of thing.

2 Then she sent us on our way.

3 Q. When she asked you that question and you
4 said yes, did you say anything to her that you
5 didn't want him to do that?

6 A. No.

7 Q. How did you feel when she called you out of
8 the room?

9 A. I felt happy that finally someone caught
10 it, because I didn't want to be the one to -- I
11 didn't know how to be the one to tell someone that
12 it was happening to me and yet I felt terrified
13 because I didn't know what else was going to be next
14 after it.

15 Q. When you say that you were happy because
16 someone else knew about it and you didn't want it to
17 happen, does that refresh your recollection that it
18 had happened before or was it just from that time
19 you were happy because you didn't want it to
20 continue?

21 A. I think there were a few times that it did
22 happen before and then -- because I know it happened
23 more times than that one incident. I know there
24 were a few times before and a few times afterwards

1 and that I was kind of just sick of it at that
2 point, but --

3 Q. Now, when it happened before, do you have a
4 recollection as to the first time it happened in
5 regard to a timeframe?

6 A. Probably it started in the back of the line
7 when we would be going to like different classes or
8 something.

9 Q. And was it when you were in sixth grade?

10 A. Yeah.

11 Q. And when it first happened, what is your
12 recollection of what [REDACTED] did?

13 A. He would try to walk up behind me really
14 closely so that like no one could see his arm and
15 then he would try to put it under my shirt and try
16 to go under my pants or like under my shirt, so --

17 Q. And when he did it the first time, did you
18 say anything to [REDACTED] regarding to stop it?

19 A. I mean I shrugged him off and I looked at
20 him like, dude, stop. What are you doing? But then
21 it was just -- I kind of froze and I didn't know
22 what to do.

23 Q. When [REDACTED] touched you inappropriately the
24 first time in line did you say anything to any of

1 your teachers?

2 A. No, because I didn't know what it was.

3 Q. Did you mention it to either of your
4 parents?

5 A. No.

6 Q. Did you mention it to either of your
7 siblings?

8 A. No.

9 Q. When you were called out in the hall by Ms.
10 Andrews and she indicated that if it didn't happen
11 again she wouldn't call your parents, did you say
12 anything to her after that?

13 A. No.

14 Q. Did you say anything to any of your friends
15 at school?

16 A. Uh-uh.

17 MS. LAUGHLIN: You have to say
18 yes or no.

19 THE WITNESS: No. Sorry.

20 MS. LAUGHLIN: That's okay.

21 BY MS. JORDAN:

22 Q. When you went home, did you tell your
23 parents at any time?

24 A. After the Andrews thing that came -- or

1 when it actually came to light, yes.

2 Q. So you talked to your parents about it in
3 April of that same school year; would that be
4 correct?

5 A. Yeah. After it came out and after they had
6 actually like figured out what was going on.

7 Q. Okay. How about your siblings, did you
8 tell either of your siblings before it came out
9 after it occurred?

10 A. No.

11 Q. So from your answers, would I be correct
12 this is something you kept inside yourself?

13 A. Yes.

14 Q. Now, after [REDACTED] touched you
15 inappropriately and Ms. Andrews called you outside,
16 did [REDACTED] continue to touch you inappropriately
17 until April of the same school year when it came out
18 to other people in the school other than Ms. Andrews
19 and your parents?

20 A. Yeah, a few times afterwards. Then not
21 really after -- or not really that much after,
22 because then I guess he was on to the next girl,
23 because that's when the other one confessed what was
24 going on.

1 Q. So in regard to him touching you
2 inappropriately after Ms. Andrews called you out in
3 the hall, do you have a recollection as to when the
4 next time was that it occurred?

5 A. Maybe like a week or two afterwards.

6 Q. Do you have a recollection as to where it
7 occurred?

8 A. Probably in the hallway honestly. It was
9 one time when we were like genuinely alone and we
10 just kind of ran into each other and he just like
11 came up and he was trying to like -- you know, be
12 himself and --

13 Q. When you say be himself, was [REDACTED] always
14 touchy with you?

15 A. I mean he would -- if he could get me in a
16 spot where he knew that no one could see us, yeah.

17 Q. And when he would touch you inappropriately
18 when he got a chance in a spot where no one could
19 see what, if anything, did you say to him?

20 A. I would tell him to stop. I would tell him
21 don't. I'm like not right now. Like leave me
22 alone.

23 Q. And what, if anything, would he do in
24 response?

1 A. He didn't care.

2 Q. Were you afraid of [REDACTED]?

3 A. Yeah.

4 Q. And why were you afraid of him?

5 A. Because I didn't know what to do. I was
6 watching like -- I watched Ms. Andrews see something
7 that even after that I watched her see something
8 that's not supposed to even be happening, but
9 brushed it off like it was nothing. And I was going
10 through my own things. Because then that also
11 triggered me remembering my five-year-old experience
12 and that's -- and then I was going through all of
13 that by myself and it was all bottling up and I
14 just --

15 Q. It's my understanding that when you were
16 five a neighbor molested you; is that correct?

17 A. Yes.

18 Q. And for how long a period of time did that
19 occur, if you remember?

20 A. It only happened once.

21 Q. And it's also my understanding that your
22 older sister was also molested by the same
23 individual; is that correct?

24 A. I mean I didn't find that out just until

1 now, but I guess so.

2 Q. Okay. So it didn't occur with --

3 A. I have no clue. Something happened with
4 her, but she would never talk to us about it.

5 Q. Okay. So when the neighbor molested you
6 you were by yourself with the neighbor?

7 A. Yes.

8 Q. And was that a man or a woman?

9 A. It was a man. His name is Michael Forbes.

10 Q. Michael Forbes?

11 A. Uh-huh.

12 Q. Is that F-O-R-B-E-S?

13 A. Yes.

14 Q. Was he like the next door neighbor?

15 A. He was right across the street, but he was
16 down and to like the left a little bit.

17 Q. And do you have any idea what his age was
18 when you were five?

19 A. I want to save 15 to 17. I'm not
20 100 percent sure. He was going to school with my
21 sister.

22 Q. Okay. Was he a classmate of hers?

23 A. I think so. I'm not 100 percent sure. She
24 never talked to us about him.

1 Q. Okay. And when he touched you or treated
2 you inappropriately, did you tell your mom?

3 A. Yes. Well, she found out because I was
4 walking weird when I was walking across the street
5 walking back from his house and I told her that my
6 underwear hurt and she found it was twisted, so she
7 figured out what was going on and said, oh, shit --
8 or, oh, wow. Sorry.

9 Q. Oh, that's okay.

10 And am I correct that Mr. Forbes was charged
11 criminally?

12 A. I think so. Yeah, I think we did charge
13 him, because then he was trying to -- he was also in
14 the process of getting charged for a few other
15 things and then he was trying to get us into like
16 the courtroom and all that stuff, but then I almost
17 stood on the stand and they said, all right, never
18 mind. We'll take the charges.

19 Q. So if I understand your testimony that you
20 just stated, you went to court and were going to
21 testify about what Mr. Forbes had done to you, but
22 then the court intervened in some way and you didn't
23 have to testify?

24 A. No. The one thing that the Forbes family

1 was hoping was that I wasn't going to sit on the
2 stand and testify, which was exactly what I was
3 going to do whether they wanted to or not, so then
4 they backed out of it and then, I guess, took the
5 charges for it.

6 Q. And so then you didn't have to testify, but
7 you were willing to, if I understand?

8 A. Yes.

9 Q. Do you know if Mr. Forbes had to go to
10 jail?

11 A. I think he was in jail for a little bit
12 after that. I'm not 100 percent sure. I don't
13 remember what happened afterwards. I remember more
14 the situation than anything else.

15 Q. Is he still your neighbor?

16 A. Yes.

17 Q. So you see him on a regular basis?

18 A. I don't see him, but I see his family and
19 stuff. I mean his house is still across the street
20 from mine, so --

21 Q. And do you know if he resides in that home?

22 A. I think so, once in a while. I also know
23 that he has a family, so I don't know if they're in
24 that house or a different one.

1 Q. Okay. After that incident occurred when
2 you were five, do you know if you were seen by any
3 psychologists or psychiatrists?

4 A. No, I wasn't seen by anyone.

5 Q. Did you talk about what happened to you
6 with anyone other than your mom?

7 A. I guess whoever was -- when we were doing
8 the court thing and the legal people, but that's
9 about it.

10 Q. Okay. Do you have a recollection as to
11 whether that caused you any physical or
12 psychological problems at the time?

13 A. That one, not really, because I was so
14 little that it was going to be something that I
15 could forget for a little bit. Like it wasn't
16 something that was going to be very impactful until
17 my life was just -- it was a bad situation. It
18 wasn't like -- that means there's bad people. I
19 just know that was a bad person.

20 Q. And from what you said previously, am I
21 correct that when [REDACTED] starting touching you
22 inappropriately it reminded you of what had happened
23 to you by Mr. Forbes?

24 A. Yes.

1 Q. And did you discuss that with anyone at the
2 time?

3 A. No, not after the [REDACTED] incident.

4 Q. Now, can you approximate for me how many
5 times you believe [REDACTED] inappropriately touched you
6 prior to April when it all came out to light that he
7 had touched you inappropriately?

8 A. I was like once or twice a week, three
9 times max maybe. That was about it though.

10 Q. Can you give me a number of times?

11 MS. LAUGHLIN: If you can
12 estimate.

13 THE WITNESS: Over 20.

14 BY MS. JORDAN:

15 Q. Now, in April of 2015, which is still sixth
16 grade, how did you learn that [REDACTED] had touched
17 someone else inappropriately?

18 A. Because basically the school -- or my mom
19 had told me that it had come out that some other
20 girl reported him touching them inappropriately and
21 then a few other girls came out. And my mom was
22 like, are you one of these girls? I was like yeah.
23 Because during that time I was also then -- with the
24 remembering the five-years-old incident and going

1 through that incident I was dealing with some anger
2 issues and some anxiety and all that stuff and that
3 triggered the beginning of that and then I was
4 acting out. And she was like is that's what's going
5 on here? And I'm like yes, so --

6 Q. And in regard to the anger issues, can you
7 describe for me what you mean by that?

8 A. One time I ended up punching a fourth
9 grader in the stomach for annoying -- I mean for
10 picking me on me, but then because of like
11 everything else -- and I know I would never actually
12 do that, but in that situation I ended up doing
13 that, so --

14 Q. So if I understand you, you acted out in
15 response to this fourth grader not being nice to you
16 in a way that was bigger than you would have
17 otherwise, but because of the anxiety that you had
18 from the touching incidents?

19 A. Yes. From the [REDACTED] -- like if a girl
20 picked on me, normally I would be like, all right,
21 cool, let's laugh about it together, like let's go
22 along with it, but like just having that girl pick
23 on me on top of [REDACTED] touching me and then having
24 to bottle that up for like six months by myself,

1 it's just -- like I kind of snapped at that moment.

2 Q. Okay. So when it came out that he had
3 touched other female students at the school
4 inappropriately and your mom came and asked you
5 about it and you admitted it happened, did you then
6 tell her about all the times he touched you
7 appropriately?

8 A. Yes.

9 Q. Did you speak to anyone at the school -- at
10 Gwynedd Square Elementary School about what [REDACTED]
11 had done?

12 A. I think Ms. Vaszily.

13 Q. And who was Ms. Vaszily at the time, if you
14 know?

15 A. The counselor.

16 Q. Prior to the April incident involving
17 [REDACTED] with these other girls, had you ever spoken
18 to Ms. Vaszily before?

19 A. Yes.

20 Q. And was she someone that was available for
21 you to speak to about anything?

22 A. Yes.

23 Q. Would I be correct that prior to the April
24 incident with [REDACTED] and these other girls coming to

1 light you had never confided in Ms. Vaszily what was
2 going on with [REDACTED] touching you inappropriately?

3 A. Yes.

4 Q. And when you spoke to Ms. Vaszily after it
5 all came to light did you tell her that [REDACTED] had
6 touched you inappropriately 20 times?

7 A. Yes.

8 Q. What, if anything, did Ms. Vaszily say to
9 you?

10 A. Wait. Hold on. Can you repeat the last
11 question? I'm sorry.

12 Q. Yeah. I asked you if you had conveyed to
13 Ms. Vaszily when you spoke to her after the
14 April 2015 incident involving [REDACTED] came to light
15 and then your incident of November of 2014 came out,
16 whether when you talked to her you told her about
17 the approximate 20 times that he had touched you
18 inappropriately?

19 A. Yes. Probably after the [REDACTED] incident,
20 yeah, I talked to her, because before that she was
21 the one who was trying to help me not trigger my
22 memories of my five-year-old incident, because if I
23 had any like alarms -- or if there were any fire
24 drills or any like announcements that could have

1 triggered we would try to like avoid them. So she
2 would come and pull me out of class and be like
3 let's go play games or something like that, you
4 know, to keep your mind off of that, because we were
5 working so hard towards that that she even got
6 completely blind sided when this all happened and
7 she was the only one that I could talk to kind of
8 after that, so --

9 Q. So would I be correct from what you just
10 said that Ms. Vaszily did know about your
11 five-year-old experience involving Mr. Forbes and
12 she was your go to person at the school to try and
13 help you contain any trigger events from occurring?

14 A. Yes.

15 Q. Okay. And for how long was Ms. Vaszily
16 your go to person at the school, if you can
17 remember?

18 A. Since basically whenever it happened and
19 whenever I went to the school. So if I went there
20 when I was like five, it was ever since it happened
21 like --

22 Q. Okay. So Ms. Vaszily was always available
23 for you to talk to about trigger events to try and
24 contain your feelings about that incident, those,

1 you know, not good feelings from coming out?

2 A. Yeah, like that or like my emotions or if I
3 just -- like if I was having a bad week or
4 something, she was kind of my go to person overall.

5 Q. And did you appreciate your relationship
6 with Ms. Vaszily?

7 A. Yes.

8 Q. And did you believe that you could confide
9 in her and she would try to help you?

10 A. Yes.

11 Q. Okay. Was there a reason you didn't tell
12 Ms. Vaszily about what [REDACTED] was doing before it
13 came out in April?

14 A. Because I knew if I told her then
15 everything between like my friends and just home
16 life and school life, everything would change. Plus
17 I didn't know whether she was going to believe me,
18 because a sixth grader coming up to you and telling
19 you that before the other girl came out that -- you
20 don't think anyone is going to believe you.

21 Q. So if I understand, you were afraid that
22 Ms. Vaszily wouldn't believe you that [REDACTED] was
23 abusing you; is that correct?

24 A. Yes.

1 Q. And also you were concerned that if you
2 told her it would change your relationship at school
3 with friends as well as with your parents?

4 A. Like it was just -- it was going to change
5 everything. How could that not? That's like -- and
6 also at the time, even at the beginning, I didn't
7 realize how wrong it was until the one girl really
8 came out. Like I never realized the extent of how
9 wrong it was.

10 Q. And who was the girl, if you remember her
11 name?

12 A. Paige Nester.

13 Q. Were you friends with Paige Nester?

14 A. Yes.

15 Q. And after Paige told the teacher that
16 [REDACTED] was touching her inappropriately, did you
17 talk to Paige about your incident?

18 A. I just -- when she was putting some stuff
19 on her food I just kind of walked up, gave her a hug
20 and said thank you and walked off.

21 Q. Did she ever ask you why you hugged her and
22 why you were thanking her?

23 A. No. Because she looked at me and said
24 you're welcome.

1 Q. Do you believe that she knew that that
2 meant that [REDACTED] had also inappropriately touched
3 you?

4 A. Yes.

5 Q. Okay. And do you know any of the other
6 girls who came forward?

7 A. Not really. Maybe like Endera (ph) -- I'm
8 not 100 percent sure.

9 Q. But you think Endera, another girl --

10 A. Endera, but I have no clue. I wouldn't
11 trust that, but --

12 Q. So would I be correct that you only had the
13 intersection with Paige Nester that you just
14 described and not any of the other girls?

15 A. Yes.

16 Q. And as you sit here today, you're not sure
17 who the other girls are?

18 A. Yes.

19 Q. Now, your mom -- to your knowledge, was
20 your mom contacted at the school and that's how she
21 knew about the October 2014 incident?

22 A. I think the school called her and told her
23 what was going on. I don't exactly remember how
24 that whole thing went down and how we found out.

1 Q. Okay. But your mom did come to you and ask
2 you about [REDACTED] touching you inappropriately,
3 correct?

4 A. Yes.

5 Q. And you did confide in her that it had
6 happened?

7 A. Yes.

8 Q. Did you tell her that he had did it more
9 than once?

10 A. Yes.

11 Q. And did you have any intersection with the
12 police department at that time?

13 A. There was -- I have this one police
14 officer, his name is Ted, and he was the -- he's
15 what my mom calls my guardian angel after -- because
16 he was there for my five-year-old incident and he
17 helped me try to -- or helped my parents try to
18 limit the amount of trauma from the whole experience
19 and just helping me to -- or him being the one to
20 just, you know, take me and do the whole system
21 since we kind of already did it once before.

22 Q. Okay. So Ted was the police officer that
23 you interacted with in relaying what Mr. Forbes did
24 to you, if I understand what you're saying, correct?

1 A. Yes.

2 Q. And then after that the incident with Mr.
3 Forbes, am I understanding correctly that you had
4 interaction with Ted, the policeman, after that to
5 help you with your feelings about the Forbes
6 incident before it came out about [REDACTED]
7 inappropriately touching you?

8 A. No. It was -- he was the one for like --
9 so basically they want the policeman to come there
10 and like actually handle the situation, do the
11 investigation, but he was the one to handle all of
12 that, because he already knew our family and he
13 already knew how to do that and he ended up being
14 the policeman to kind of take over the case -- not
15 take over the case, but like be there, like the
16 policeman that's supposed to be there kind of.

17 Q. Okay. So if I understand you, because he
18 dealt with the five-year-old incident with you, when
19 it came to light that [REDACTED] had inappropriately
20 touched you he was also called in to assist in
21 regard to finding out what had occurred?

22 A. Yes.

23 Q. Okay. So would I be correct that you spoke
24 to Ted, the police officer, about what [REDACTED] did?

1 A. I never spoke to Ted about what happened,
2 but my mom was the one to speak to him about that
3 stuff. Like my mom tried to keep me out of most of
4 that stuff to keep it like the least trauma -- like
5 least impacting as possible. So when it comes to
6 like the talking to like the policeman and all that
7 stuff I wasn't the one to ever do that really.

8 Q. Okay. And do you have any knowledge as to
9 what, if anything, the police did in relation to the
10 reports of [REDACTED] touching not only you, but other
11 girls at Gwynedd Square Elementary School?

12 A. I don't think he really got any -- I don't
13 think he got like anything afterwards. I think they
14 did an investigation on him, but that was about it.
15 I don't think there was any like repercussions for
16 it.

17 Q. Do you know if the school did anything to
18 [REDACTED]

19 A. They didn't do anything.

20 Q. Are you aware of him being suspended for
21 any period of time?

22 A. No.

23 Q. Did you have any conversations with your
24 parents about criminal charges against [REDACTED] at

1 that time that you recall?

2 A. Yeah, but we didn't -- it wasn't -- it
3 wasn't the time to do any like charges or anything
4 because I was already starting to spiral from how
5 traumatizing that was. It wasn't good to put that
6 much on top of me.

7 Q. And did you discuss that with your parents
8 to your recollection?

9 A. Yes.

10 Q. Now, after Paige told the school about what
11 [REDACTED] was doing and it came to light that the same
12 thing had occurred to you in October -- I'm sorry --
13 November at the beginning of sixth grade, am I
14 correct that you were separated from [REDACTED] at
15 school and that he was taken out of any class that
16 you were in?

17 A. After the incident, like when Paige said --

18 Q. Yes.

19 A. Yes.

20 Q. And Paige and the other girls who had
21 reported that he touched them inappropriately also
22 were separated from [REDACTED] in class, correct?

23 A. Yes.

24 Q. Now, would I be correct that you still

1 would see [REDACTED] in the school physically, because
2 Gwynedd Square is not that big?

3 A. Yes.

4 Q. And did the sixth grade all have recess
5 outside at the same time?

6 A. Yes, but I don't -- the funny thing is, I
7 didn't see [REDACTED] much after Paige said anything, so
8 they kept him like really well hidden from all of us
9 kind of, like to the point that most of us kind of
10 thought that he left, so --

11 Q. Okay. So if I understand your testimony,
12 you don't recall really interacting with him in any
13 way after April of 2015 when it -- when everything
14 came to light about his inappropriate touching?

15 A. Yes.

16 Q. And he was taken out of the classrooms with
17 you and the other girls who made reports?

18 A. Yes.

19 Q. And if it came to light in April, the
20 school year would have ended in early June; would
21 that be accurate?

22 A. Yes.

23 Q. Okay. So for seventh grade you would have
24 gone to Penndale Middle School, correct?

1 A. I would have, but then I got transferred to
2 Pennbrook.

3 Q. Right. So after the incident, did your
4 parents discuss with you about going to Pennbrook as
5 opposed to Penndale?

6 A. Yes.

7 Q. And what do you recall about your
8 conversation with your parents?

9 A. It would more come out like here and there
10 that I was going to Pennbrook instead of Penndale,
11 to where it was just like, all right, it's the last
12 day. They were like, all right, you're going to
13 Pennbrook kind of thing, where they would actually
14 like tell me.

15 Q. And when you say the last day, do you mean
16 the last day of sixth grade you were told you were
17 going to Pennbrook as opposed to Penndale?

18 A. No. Kind of like, you know -- you know how
19 like halfway through the summer they -- or your
20 parents are like, all right, and then that's where
21 you start actually prepping for school, that's when
22 they were like you're kind of going to Pennbrook and
23 they finally told me like where I was going and --
24 yeah.

1 Q. So when you say they finally told me, do
2 you mean your parents?

3 A. Yes.

4 Q. Okay. Prior to your parents telling you
5 that you were going to start school at Pennbrook,
6 did you have any conversations with either of your
7 parents or both of them at the same time about them
8 wanting you to go to Pennbrook as opposed to
9 Penndale because they didn't want you to have any
10 interaction with [REDACTED]?

11 A. I think I had one or two about how they
12 said they just wanted me to have a clean start or
13 like a fresh plate kind of thing, but that's about
14 it.

15 Q. Okay. What were your feelings about going
16 to Pennbrook as opposed to Penndale?

17 A. I mean I would miss my friends and all that
18 stuff, but I also didn't have that many friends in
19 Gwynedd Square, so it was kind of cool to get like a
20 fresh start.

21 Q. And would I be correct that if you went to
22 Penndale you would have been bussed there, correct?

23 A. Yes.

24 Q. And you were bussed to Pennbrook instead,

1 correct?

2 A. Yes.

3 Q. And when you got to Pennbrook did you have
4 any difficulty acclimating in the new school?

5 A. A little bit. I mean we were all like, you
6 know, teenagers in the making, so we were all moody
7 and all that stuff, so it wasn't the easiest.

8 Q. Were you able to make friends there?

9 A. Not really, until like ninth grade -- or
10 like eighth or ninth grade.

11 Q. And what do you think was the stumbling
12 block to you making friends in seventh grade?

13 A. Not really knowing how to interact with
14 people in like sixth grade or fifth grade, because I
15 was dealing with the [REDACTED] thing.

16 Q. Did you have a counselor at the school that
17 you could talk to?

18 A. In Pennbrook, I mean I did, but we never
19 really talked. I mean I was a little bit of like a
20 troubled kid, but we never really talked about much
21 of what was going on.

22 Q. Do you know if the counselor at Pennbrook
23 was told about the trauma you had when you were
24 five?

1 A. I don't think so.

2 Q. Do you know if the counselor was told about
3 the trauma you had with [REDACTED] at Gwynedd Square?

4 A. I don't think so.

5 Q. And would I be correct that you never told
6 the counselor of those incidents?

7 A. I really don't think I did.

8 Q. In addition to a counselor, did you also
9 have a case manager to follow your IEP due to your
10 AD/HD?

11 A. Yes.

12 Q. And do you recall who that person was?

13 A. No.

14 Q. Would I be correct that you never spoke to
15 your case manager about your prior traumas?

16 A. Yes. We ended up stopping and talking to
17 people about my previous traumas after Gwynedd
18 Square, because we were like, well, we tried to do
19 that the first time and look where that got us kind
20 of thing and we just ended up keeping it to
21 ourselves afterwards.

22 Q. When you say that, look where it got us, by
23 talking can about it you were hoping that it would
24 protect you and it didn't --

1 A. Yeah.

2 Q. -- would that be fair? Is that what you're
3 trying to convey?

4 A. Yeah. Like we had -- like Ms. Vaszily, she
5 was in control of like my triggers -- not like in
6 control, but like helping me avoid triggers and all
7 that stuff. So she was helping me and all that
8 stuff and we trusted the school not to, you know, do
9 anything that was going to be behind me, like my
10 parents' backs or their back, because my parents
11 were also in constant communication, but then that
12 happened and then they kind of lost all trust in the
13 school, so they just kind of stopped talking to the
14 people and --

15 Q. When you started middle school at
16 Pennbrook, did you see any type of counselor?

17 A. No.

18 Q. Did you see a psychiatrist?

19 A. No.

20 Q. And would I be correct that you were being
21 followed by Dr. Bandi, the pediatrician, to give you
22 the script for your Adderall and he was following
23 the AD/HD?

24 A. Yes.

1 Q. Now, when you went to middle school did you
2 participate in any of the school's extracurricular
3 activities?

4 A. I was going to, but I was doing horses as
5 an extracurricular activity like off to the side, so
6 no.

7 Q. And when you say I was doing horses, can
8 you explain what that means?

9 A. Like I was riding horses. I was taking
10 lessons at a barn. I was leasing my own horse. I
11 was like not messing around -- like playing on farms
12 and all that stuff like.

13 Q. What does lacing (sic) my own horse mean?

14 A. Leasing my own horse, basically meaning
15 like you're half owning, half not, to where you pay
16 for like half its board, half its stuff and then
17 you're kind of technically the temporary owner of
18 that horse for a little bit. And I was working with
19 a troubled pony at the time.

20 Q. And where were you doing this?

21 A. At Black Horse Stables.

22 Q. Black Horse?

23 A. Yes.

24 Q. And where is Black Horse located?

1 A. Worcester and I want to say -- where is it?
2 I can't think of it at the moment.

3 Q. That's okay if you don't remember. In
4 lacing (sic) the horse, would I be correct that you
5 would be paying money to Black Horse who actually
6 owned the horse for the sharing of the ownership?

7 A. Yeah. Her name is Amanda and she's the
8 owner of basically the thing and I would be leasing
9 a horse from her at the moment while I was working
10 with them and, yeah, paying this money and like
11 doing all this stuff, so --

12 Q. So how old were you when you first got
13 involved with any type of horsing, if you will?

14 A. Probably in seventh or eighth grade, I
15 think -- or sixth grade. No. It was at the end of
16 the -- the last day of sixth grade when we were
17 doing our videos to actually leave sixth grade.

18 Q. And is that something that you wanted to do
19 that you were really interested in getting involved
20 in a horse?

21 A. Yes.

22 Q. Had your family had any association with
23 horses beforehand?

24 A. Yeah. My mom was raised on a farm with

1 horses and so was my dad.

2 Q. Okay. So did they tell you stories growing
3 up about interacting with horses?

4 A. Well, yeah. And it's just the fact of like
5 having an animal that like you can respect and
6 actually have as like your true best friend kind of
7 thing. It was really cool to me.

8 Q. The fact that your parents both were raised
9 on farms that had horses and that they had
10 interaction with the horses, did you have the
11 benefit of going to those farms growing up?

12 A. No. They never had those forms. They had
13 those when they were kids, but, no, I never got to
14 see their farms when I was a little kid.

15 Q. So it wasn't like growing up your
16 grandparents still owned those farms and you could
17 go to them?

18 A. Yeah.

19 Q. Okay. So for you, what you were really
20 into wasn't extracurricular activities that were
21 available at the school, you were into horsing
22 outside of the school?

23 A. Yeah. Like don't get me wrong, I loved all
24 the sports, like I wanted to do some of the sports

1 and some of the teachers actually tried to get me to
2 do some of the sports, but at the moment -- like my
3 passion was horses at that time.

4 Q. And can you approximate for me how much
5 time you spent a week doing horsing activities?

6 A. Probably two to three -- or it started off
7 two times a week and then three times a week and
8 then I kind of just ended up going there to my job
9 and I ended up doing it every single day, so --

10 Q. And would that include your free time on
11 the weekends as well?

12 A. Yes.

13 Q. Okay. How far away was Black Horse Stable
14 from your horse?

15 A. Probably 30, 40 minutes depending on which
16 farm we were going to.

17 Q. And would your mom take you there?

18 A. Yes.

19 Q. How did you do academically at Pennbrook?

20 A. I didn't do the greatest. I was getting
21 bullied and also I just didn't pay attention in my
22 classes as much as I should have, but --

23 Q. And who was bullying you?

24 A. The kids bullying me just -- I got picked

1 on a lot and --

2 Q. And what would they bring up? What issue
3 or things would they say to bully you?

4 A. Basically that I'm too skinny or I'm too --
5 or start picking on me for my looks or something
6 like that or my outfit or picking on me for how I
7 walked or what I do or how I fidget. It was just
8 kind of a nitpicking game at that point.

9 Q. Was it one person in particular that was
10 bullying you or a bunch of people?

11 A. No. It was a lot of people actually.

12 Q. And did you relay that to anyone at the
13 school?

14 A. No. Because what are you going to do?
15 It's a common -- bullying happens. It happens every
16 single day and the best thing you can do in that
17 situation or at least I thought was just to brush it
18 off.

19 Q. So when you say brush it off, ignore the
20 bullying?

21 A. Yeah, just kind of ignore it.

22 Q. Did you confide in either your case manager
23 or your counselor about the bullying that was going
24 on?

1 A. I mean once or twice, but, again, nothing
2 really ever happened. It was like there was no real
3 ever solution. It's like, all right, then stay away
4 from that kid. I'm like that's great, but they come
5 up to me. You know what, all right. So you just
6 kind of know you just let them bully you and just
7 ignore it and then problem solved.

8 Q. Did you have any of disciplinary issues at
9 Pennbrook to your recollection?

10 MS. LAUGHLIN: Objection to the
11 form, but you can answer.

12 THE WITNESS: I mean a little
13 bit, but --

14 BY MS. JORDAN:

15 Q. Do you recall any of them?

16 A. I mean one of them was maybe like a few
17 grades and maybe a few missed assignments, but I was
18 never a bad kid for middle school or like elementary
19 school. Like I really wanted to try, but I just
20 never was able to pay attention and also homework
21 killed me and I never did that, so -- I was a
22 teenager, so --

23 Q. Now, in seventh grade while you were
24 attending Pennbrook, did you have any interaction of

1 any kind with [REDACTED]?

2 A. Not in Pennbrook.

3 Q. Anywhere?

4 A. Like after the 6th grade?

5 Q. Yes. In seventh grade --

6 A. No.

7 Q. -- when you were in seventh grade, did you

8 have any intersection of any kind with [REDACTED]?

9 A. No. Seventh and eighth I was clear of

10 seeing him for the year.

11 Q. Okay. So in seventh and eighth grade no

12 interaction with [REDACTED], you didn't see him,

13 you didn't talk to him, you didn't have to be in the

14 same room with him?

15 A. Uh-huh.

16 MS. LAUGHLIN: Correct?

17 THE WITNESS: Correct. Sorry.

18 MS. LAUGHLIN: That's okay.

19 BY MS. JORDAN:

20 Q. Now, in ninth grade you were at Pennbrook,

21 but you were also going to attend classes North

22 Montco Technical Career Center, correct?

23 A. Yes.

24 Q. And that is something that you had to apply

1 to for to attend, correct?

2 A. Yes.

3 Q. So you had to fill out paperwork?

4 A. Yes.

5 Q. And why did you want to go there?

6 A. Because to be honest, I wanted to kind of
7 follow like my dad and my brother and stuff and do
8 like automotive and just kind of learn like some new
9 stuff instead of just going out into like the real
10 world and trying to get an automotive job, which is
11 kind of like hard for a girl and -- which I'm not
12 even trying to be sexist. It's just not -- like you
13 look at me and you say you want to be in automotive?
14 Like the moment I walked into North Montco the girl
15 said, oh, you know cosmetology is the other way,
16 right? And I looked at her and I'm like great, I'm
17 going this way, so --

18 Q. So your brother Cody, is he an auto
19 mechanic?

20 A. He used to race quarter midgets.

21 Q. Is that some kind of race car?

22 A. It's a really, really small race car.

23 Q. It sounds it.

24 A. Yeah. It's really fun. Little kids like

1 to go fast on them and it's really fun.

2 Q. And you said your dad also used to do
3 automotive?

4 A. Yeah. He used to detail cars and just --
5 also, he didn't -- he didn't want me to go into
6 construction and carpentry even though I wanted to,
7 because he didn't want me to kind of break my back
8 and stuff the way that he does every single day,
9 because he has seen the ugly side of it and wants me
10 to be -- you know, keep your body for a few more
11 years, you know. It's not time to break it yet. So
12 I'm like, you know what, let's go into automotive.
13 Also he detailed cars. It was cool.

14 Q. And when he detailed cars, would he detail
15 them like at your home and you could watch him?

16 A. I mean he would -- it was cool, because he
17 would be able to look at a bend in a car of the hood
18 and tell you exactly what car it was, what year and
19 what make and model. It was just really cool.
20 You'd give him a part and he's like I know what this
21 is. It's just learning all that stuff and just
22 learning how to be able to do your own stuff. Like
23 my mom says, oh, I need my oil changed. He's like
24 let's go do that. It seemed just really cool.

1 Q. So prior to you attending North Montco,
2 would you ever help your dad do car automotive?

3 A. Yes. And I have my sister's boyfriend,
4 yeah.

5 Q. So you filled out the paperwork and you
6 indicated that you wanted take automotive classes,
7 correct?

8 A. Yes.

9 Q. And you were accepted?

10 A. Yes.

11 Q. Now, do you remember when you were in ninth
12 grade when school started what the breakdown was of
13 how often you would go to North Montco versus stay
14 at Pennbrook?

15 A. So when it came to North Montco, I think --
16 wasn't that -- wasn't there a year that I
17 transferred -- I transferred into North Montco as a
18 full-time ninth grader. So I think there was maybe
19 a few times where we would go like before school --
20 or not before school, but in the middle of school,
21 but I'm not too sure, because pretty much right
22 after I went there part time I ended up transferring
23 there to full time.

24 Q. Okay. So you don't remember in the

1 beginning how it worked between Pennbrook and North
2 Montco?

3 A. No. There was a time where I transferred
4 from Pennbrook to North Montco and they were telling
5 me about it. And I'm like, you know what, okay. It
6 kind of sounds okay. Let's just -- I'm going to be
7 their like first ninth grader. That sounds really,
8 really cool. So then I ended up transferring there
9 a year -- early after. They set up a few things and
10 I went from ninth to tenth to 11th.

11 Q. Okay. So when you started ninth grade and
12 you went to North Montco for automotive, am I
13 correct that you did see [REDACTED] at North
14 Montco?

15 A. Yes.

16 Q. Okay. Do you have a recollection as to
17 when you first saw him in the school?

18 A. The first day when they were bringing us
19 in.

20 Q. Okay. So on that first day -- where is
21 North Montco in relationship to Pennbrook Middle
22 School?

23 A. It's not that far. I'm not too sure. It's
24 kind of far, but not really far.

1 Q. So you did have to get on a bus, correct?

2 A. Yeah.

3 Q. So the first day you went to North Montco
4 in ninth grade you got on the bus, they brought you
5 to North Montco, you went into North Montco and you
6 saw [REDACTED]?

7 A. Uh-huh.

8 Q. Is that right?

9 A. Yeah. They would have you like in the
10 cafeteria where they had all the schools and stuff
11 in there and they -- or I kind of ran into him when
12 I was passing one of the cafeteria tables and saw
13 him.

14 Q. And when you saw him, what occurred, if
15 anything?

16 A. It was -- I walked past him and it was kind
17 of a shock to me to see him there. Like I knew the
18 possibility of him coming there -- it was like a
19 possibility, but I didn't know that it was -- he was
20 actually there. It was different from when I
21 actually saw him.

22 Q. When you say that you knew it was possible
23 you would see him, why did you think that when you
24 were going to North Montco before you got there?

1 A. Say that again.

2 Q. You told me that when you were going to
3 start North Montco you knew it was a possibility
4 that you were going to see [REDACTED], correct?

5 A. Yes.

6 Q. Why did you think that before you got
7 there?

8 A. Because he was in the school district and I
9 didn't know where he went, so it was a possibility
10 of him popping up anywhere. It was whether he's
11 going to -- like there was a good chance he wasn't,
12 there was a chance that he was. It was just kind of
13 like flip the quarter and see what side it lands on.

14 Q. Prior to going to North Montco when you
15 realized there was a possibility that [REDACTED]
16 could go there too, did you have a conversation with
17 anyone about that possibility?

18 A. No.

19 Q. So would I be correct you didn't bring it
20 up with your mom?

21 A. I mean it wasn't like a crazy thing. Like
22 we didn't think he was going to be there, because
23 like there was also the fact that if you had a few
24 issues with your report card they weren't going to

1 accept you or like if you had issues they -- yeah,
2 they weren't going to accept you, but then they kind
3 of accepted him. And it was like, oh, okay.

4 Q. And then am I correct that before you
5 transitioned and were going to spend half the time
6 at Pennbrook and half the time at Montco you would
7 have had an IEP meeting about that, correct?

8 A. Yes.

9 Q. Did you discuss with anyone in the IEP
10 meeting any concerns about [REDACTED] potentially being
11 in class?

12 A. No. We didn't really -- I don't think we
13 brought it up. My mom really handled the IEP --
14 like most of those meetings and I was kind of there
15 for them.

16 Q. Okay. You were there, but your mom was in
17 control of it?

18 A. Yes.

19 Q. I understand what you're saying.

20 A. Yes.

21 Q. After you saw [REDACTED] in the school,
22 did you do anything in school when you were at North
23 Montco?

24 A. I told my mom that I saw him, but I don't

1 remember what exactly happened after that.

2 Q. And would I be correct that you would have
3 told her when you got home that day at the end of
4 school?

5 A. Yeah.

6 Q. So am I correct you didn't ask to call your
7 mom?

8 A. Uh-huh.

9 MS. LAUGHLIN: Yes?

10 THE WITNESS: I didn't ask to
11 call her, only because I thought it was
12 like that long ago and what is someone
13 going to do from something that long ago
14 kind of thing.

15 BY MS. JORDAN:

16 Q. So you were kind of hoping, all right, he's
17 here, but hopefully nothing is going to happen about
18 this?

19 A. Yeah. Like you're on my side, I'm on this
20 side, can you like respect that for once kind of.

21 Q. But you did tell your mom when you got
22 home?

23 A. Yes.

24 Q. And when you told your mom that you saw

1 [REDACTED] did she get upset?

2 A. She got really upset.

3 Q. And did you have a discussion with your mom
4 about seeing him there and what she wanted to do
5 about it?

6 A. Yeah --

7 MS. LAUGHLIN: Object to the
8 form. You can answer.

9 THE WITNESS: Yeah -- she --
10 sorry, what was your question again?

11 BY MS. JORDAN:

12 Q. Did you discuss with your mom after seeing
13 [REDACTED] about what, if anything, she wanted to
14 do about learning about that?

15 MS. LAUGHLIN: Objection to form,
16 but you can answer.

17 THE WITNESS: Basically she kind
18 of wanted to remove him from the school and
19 all that stuff, but North Penn kind of said
20 that they wanted him to stay in the school
21 and I kind of -- I don't know. Me and the
22 whole kicking him out and not kicking him
23 out was a very -- it was a confusing like
24 -- I don't know.

1 BY MS. JORDAN:

2 Q. That caused you stress?

3 A. Yeah. Like it was -- I didn't know who he
4 was at the time. I didn't know what -- would he be
5 deserving of getting kicked out. Like did he
6 change? I didn't want to -- I didn't want to ruin
7 his life over the choices that he made in the past
8 like -- and also I wasn't going to have my parents
9 try to fight the school to get him out, like it
10 wasn't -- it was just, you know, you're on your
11 side, I'm on my side type of thing.

12 Q. So if I understand your testimony, it
13 caused anxiety because you were giving him the
14 benefit of the doubt that he could be a different
15 person because of the passage of time; is that
16 accurate?

17 A. Yes.

18 Q. And also it caused you anxiety to think of
19 your parents fighting to kick him out and what that
20 would -- that would cause stress on you?

21 A. Yes. And like not even the stress on that,
22 like the stress on my family. Because between the
23 -- there's already been two major incidents. If I
24 bring in a third one or a fourth one, like how many

1 more can my family take before someone snaps.

2 Q. Okay.

3 MS. LAUGHLIN: Maureen, are you
4 kind of transitioning and it would be a
5 good time to take a break?

6 MS. JORDAN: Okay. Sure.

7 (At this time, a short break was
8 taken.)

9 BY MS. JORDAN:

10 Q. Am I correct, [REDACTED], that after you told
11 your mom that you saw [REDACTED] at school you became a
12 full-time student at North Montco?

13 A. Yes.

14 Q. And prior to that happening, did you have a
15 conversation with your mom about that happening?

16 A. Yeah. We've had a few conversations about
17 me going full time to North Montco.

18 Q. Was the reason to go to North Montco full
19 time because [REDACTED] was attending part time?

20 A. Well, I mean that and they were trying out
21 just to see if like any other -- any other ninth
22 graders going through anything or whatever, they
23 were trying this program or whatever to see if they
24 could get -- have any -- or see if some special like

1 ninth graders -- or not like special, but any like
2 chosen ninth graders can go like first or something.
3 So they tried that on me to see and then they could
4 also keep me away from [REDACTED] so -- yeah, they
5 tried to do that.

6 Q. Okay. So if I understand the answer to my
7 question, to your knowledge, part of the reason was
8 because [REDACTED] was there and they were going
9 to keep you from seeing him at North Montco, but
10 also because there was some type of pilot program
11 where they were going to see if a student could go
12 to the school full time?

13 A. Yep. Like some ninth graders or like I --
14 I don't know exactly what the point of it was, but I
15 just know that that's what they told me and that's
16 why I kind of went, so.

17 Q. Okay. And because you were attending North
18 Montco full time, which is a technical school, your
19 core courses, if you will, your English, history,
20 you had to take online courses; is that correct?

21 A. Yes.

22 Q. And were you taking them online somewhere
23 in North Montco?

24 A. I had like two free periods for doing my

1 online courses.

2 Q. And was there some portion of North Montco
3 where you would go that there was a computer there
4 for you to carry out those classes?

5 A. Yes. Also I had a Chromebook -- or North
6 Penn's Chromebook to use, so --

7 Q. So instead of going to Pennbrook Middle
8 School, you were only going to North Montco in ninth
9 grade?

10 A. Yes.

11 Q. Okay. After seeing [REDACTED] in ninth grade
12 that first day in the cafeteria at North Montco, did
13 you ever run into him again at North Montco in ninth
14 grade?

15 A. We ran into each other a few times when we
16 were walking the halls and stuff like that, but we
17 never really said anything to each other.

18 Q. So you had no interaction with him other
19 than perhaps by chance seeing him in the hallway?

20 A. Yeah. And also they had made up a safety
21 plan to help me try to avoid him in school, so --
22 which led me to taking a different route than all
23 the other students and stuff to and from my classes.

24 Q. And in regard to your safety plan, if you

1 did have interaction with [REDACTED], were you
2 told what you were to do if that happened?

3 A. The safety plan was put in so that I didn't
4 have to see -- or so that I didn't have like a run
5 in with him. So like I had a security guard on me
6 wherever I went and then I had to go in and outside
7 the building once in a while to go to a different
8 spot. She would make sure that I didn't run into
9 him at all basically.

10 Q. Okay. So in ninth grade a security guard
11 would walk with you when you changed classes?

12 A. Yes. Like ninth and tenth grade, yeah.
13 She tried to walk with me like to classes and stuff
14 like that. And like anytime I had to go to another
15 class she would like walk me to that class and stuff
16 like that.

17 Q. So it was a female security guard?

18 A. Yes.

19 Q. Do you know what her name was?

20 A. Felicia.

21 Q. Felicia?

22 A. Yes.

23 Q. So you walked with Felicia on a daily basis
24 in ninth and tenth grade?

1 A. Kind of, until I started fighting the
2 safety plan, because I didn't understand that -- why
3 did I have to keep -- why did I have to keep
4 changing up my school day and my like routine and
5 stuff like that just to avoid this guy, where I have
6 to come in -- or inside and outside the building
7 just to go to my classroom when everyone can walk
8 around like nothing happened to them, like he still
9 gets to walk around with no repercussions.

10 Q. Do you have a recollection as to when you
11 fought your safety plan?

12 A. Probably like between a week or a month in.

13 Q. So in ninth grade?

14 A. Yep.

15 Q. And when you tried to fight your safety
16 plan what, if anything, happened?

17 A. It was like I was getting frustrated,
18 because I didn't understand why did I have to walk
19 around body guarded and why did I have to be the one
20 drawing attention to myself when I'm like -- I
21 didn't do anything wrong and I have to have a
22 bodyguard around me and making sure that I have this
23 like walking routine so that I can go to class like,
24 again, when everyone can walk around like nothing is

1 going to happen to them.

2 Q. And who did you have these conversations
3 with?

4 A. The counselor at North Montco.

5 Q. And was that Kyra O'Brien?

6 A. Yes.

7 Q. And what did Kyra say to you regarding the
8 security guard?

9 A. She kind of agreed, kind of didn't, but
10 then also told me just to kind of keep my head down
11 and keep doing it, so --

12 Q. Did you have any conversations with your
13 parents that you didn't want this to happen?

14 A. Yes. And I do not remember what happened
15 after that. I probably --

16 THE COURT REPORTER: You probably
17 what?

18 THE WITNESS: I don't know. I
19 probably got mad at them or something or --
20 I don't know. Or they told me have to go
21 with it or something.

22 BY MS. JORDAN:

23 Q. When you started ninth grade were you still
24 active in horsing at the stables?

1 A. Yes.

2 Q. And did you plan on that being your
3 full-time after school activity?

4 A. Yeah.

5 Q. Would I be correct that there were not
6 extracurricular activities, clubs, sport teams that
7 you planned on joining at Pennbrook Middle School in
8 ninth grade?

9 A. It was the fact that my horses didn't allow
10 that and also I was -- it was just hard to do things
11 back and forth, because I didn't real have any
12 friends at Pennbrook to begin with, so it was just I
13 didn't have any will to. I mean I did go to one
14 dance and then I stood there and ate food by myself
15 and left, but that was about it.

16 Q. And was that in ninth grade to your
17 recollection?

18 A. Yes.

19 Q. Okay. So was it English, science and
20 algebra you took online in ninth grade?

21 A. Yes.

22 Q. What about gym class, did you have to take
23 a gym class?

24 A. They let my barn activity become my gym,

1 because I was doing so much physical activity every
2 day. Trying to do that plus a gym class would be
3 over-exhausting.

4 Q. So you mean the Black Horse Stable; is that
5 the name of it?

6 A. Ninth grade actually I didn't have a health
7 class, but I think tenth grade they started allowing
8 the horseback riding to be my gym class and stuff.

9 Q. Okay. And in ninth grade, after you became
10 a full-time student, you may have seen [REDACTED]
11 inadvertently in the hallway, but you had no
12 interaction with him?

13 A. Yes.

14 Q. And Kyra O'Brien was your counselor,
15 correct?

16 A. Yes.

17 Q. Do you recall who your case manager for
18 your IEP was?

19 A. No, I have no clue.

20 Q. In ninth grade, did you seek a counselor
21 for any reason?

22 A. Ninth grade, just for my day to day like
23 trying to be -- you know, O'Brien, but that was
24 about it.

1 Q. I'm sorry. I meant like an outside
2 counselor like --

3 A. Oh, no. I may have saw one, but that was,
4 I think, more tenth grade -- in tenth grade than
5 anything else.

6 Q. Okay. And in ninth grade you were taking
7 the Adderall for your AD/HD, correct?

8 A. Yes.

9 Q. And you weren't taking any other
10 medications?

11 A. Yes.

12 Q. Okay. In ninth grade, after you became a
13 full-time student and you didn't have interaction
14 with [REDACTED] how was your anxiety level generally?

15 A. I'm sorry. Repeat that again.

16 Q. After you became a full-time student at
17 North Montco and you were not seeing [REDACTED]
18 and you had the safety plan in place, how was your
19 anxiety generally?

20 A. Getting worse and worse by the day, because
21 the safety plan was drawing a lot of attention to me
22 and just trying to fit in as a ninth grader and then
23 already standing out with that and not being able to
24 walk with your friends to class, it just --

1 Q. So you felt that by having to walk with the
2 security guard, that it was drawing attention to
3 you?

4 A. Yes.

5 Q. And that was causing you anxiety because
6 you just wanted to blend in?

7 A. Yeah. Because I would be walking with my
8 friends, but then I would have to tell them that I
9 would have to go outside the school just to go in a
10 door that was two feet -- like you would have a door
11 here and a door here, but like outside it would be
12 two feet, but inside you would have to go around the
13 corner or whatever, but then I would have to tell
14 them I have to go this way, because the security
15 guard is there and they're like but why don't you
16 just walk this way kind of thing.

17 Q. But you had to walk that way because it was
18 part of the safety plan to avoid interaction with
19 [REDACTED]?

20 A. Yes.

21 Q. Okay. So that was also frustrating, I
22 assume?

23 A. Yes.

24 Q. Okay. Now, when ninth grade ended you have

1 an IEP meeting, correct?

2 A. Yes.

3 Q. And at the IEP meeting was it discussed as
4 to what would occur in tenth grade?

5 A. Yes.

6 Q. What is your recollection of what was
7 discussed?

8 A. So basically they started out by telling me
9 that I may have a chance to go to tenth grade -- or
10 I may have a chance to come back at North Montco
11 full time and not go to tenth grade -- or -- well,
12 no. They were thinking of the idea of sending me to
13 North Penn, but then they were still working with me
14 with going to North Montco, but then they started
15 listing off the reasons and all the issues that I
16 had being at North Montco, so -- and then basically
17 belittled everything that I did there and then told
18 me, oh, you have to go over to North Penn now and
19 then kind of said, all right, you're going to North
20 Penn. That was an hour and a half IEP meeting.

21 Q. In regard to ninth grade, did you have any
22 disciplinary issues?

23 A. I mean I had a few trying to fit it
24 stressed out of my mind and like I didn't -- or like

1 I had no one to talk to and stuff like that. Like
2 no friends. I wasn't fitting in automotive. I
3 wasn't doing anything I wanted to do. Teachers were
4 getting mad at me.

5 Q. Why do you believe that you didn't fit in
6 in automotive?

7 A. Because I was this really small person, so
8 me trying to be in automotive, people would make
9 comments about me being in the shop. Also I needed
10 one-on-one teaching that Mr. Fluck wasn't just
11 physically able to give me, because he had other
12 kids in the shop and he had to worry about them not
13 blowing their heads off with a nail gun. And since
14 I didn't get the one-on-one care, I started cleaning
15 up the shop. I'm thinking, all right, he's not
16 going to be able to teach me 24/7, so let's just be
17 useful and at least clean the shop while he's not
18 teaching me. Then while he's on his free time he
19 can teach me what he needs to, but then people were
20 making comments that I was cleaning and then just me
21 going out in the shop in the first place and
22 basically calling me stupid and looking at me like I
23 was stupid. Then I'm like, you know what, if I'm
24 just going to fight with everyone out here, I'll

1 just go back into class and just work on my CDL and
2 then that was happening and then --

3 Q. Were you the only female student in
4 automotive?

5 A. I was the only one that was as tiny as I
6 was and I was also the only one that just -- I don't
7 know how to explain it. Like all the other girls
8 kind of already fit in with the girls. They already
9 came in from their school. I was coming in from
10 nowhere. Like I didn't come from any previous
11 friends from like elementary school or anything like
12 that. The other girls had their friends.

13 Q. How many other girls do you recall being in
14 your automotive class when you began?

15 A. Two to three in tenth grade, I think.

16 Q. How about in ninth grade?

17 A. In ninth grade, there was me.

18 Q. You were the only girl?

19 A. Yeah.

20 Q. When you were told that you were going to
21 have to spend half of the time at North Penn High
22 School and half at North Montco, what was your
23 reaction to that?

24 A. To be honest, I just starting giving up on

1 trying -- on trusting people, because between the
2 whole [REDACTED] thing and then the belittling me it
3 started making me give up on like authority and
4 making it -- or it almost felt like authority didn't
5 care or anything like that. They were almost like
6 out to kind of get me sort of -- not like get me,
7 but -- I don't know. They just kind of took their
8 anger out on me kind of thing or something like that
9 is what it felt like. So then I just kind of said,
10 all right, well, I'm going to the school. I don't
11 have a choice. I can't change it. I kind of gave
12 in and just said, okay, then fine.

13 Q. Would you have preferred to stay full time
14 at North Montco?

15 A. Dealing with the problems that I was having
16 there -- yeah. It would have been easier, because I
17 knew the moment I was in North Penn they weren't
18 going to care about me. Like I know they care about
19 their students and stuff like that, but at the end
20 of the day look where we are now.

21 Q. Prior to tenth grade starting, was it still
22 your intention of continuing with automotive?

23 A. Yes.

24 Q. And who was your case manager in ninth

1 grade, if you remember?

2 A. It might have been O'Brien. I am not too
3 sure. It might have been -- I don't know.

4 Q. Do you know who Megan Schoppe was?

5 A. No.

6 Q. She wasn't your case manager?

7 A. No. I didn't interact with many case
8 managers after this -- or after this, because then
9 this was where I kind of -- like authority figures
10 started dwindling down where I started going to like
11 home school and stuff.

12 Q. Okay. So you had an IEP meeting at the end
13 of ninth grade where you learned that you were going
14 to go half to the high school and half to Montco,
15 correct?

16 A. Yes.

17 Q. So for the summer were you doing your
18 horsing?

19 A. Yes.

20 Q. And then prior to starting tenth grade you
21 have another IEP meeting, correct?

22 A. Uh-huh.

23 MS. LAUGHLIN: Yes?

24 THE WITNESS: Yes.

1 BY MS. JORDAN:

2 Q. So that would have been from people from
3 the high school --

4 A. Yes.

5 Q. -- as well as Montco?

6 A. Yes.

7 Q. -- or are they separate meetings?

8 A. I think the one with North Penn was just
9 the one with the North Penn people, because I
10 remember that we were talking about -- we were
11 talking about the whole [REDACTED] situation and said
12 how we weren't going to be near him and how we were
13 going to be assigned separate classes and all that
14 stuff.

15 Q. And for the Montco meeting you already had
16 a safety plan in place, correct?

17 A. Yes. The Montco one at the year of tenth
18 grade?

19 Q. Before tenth grade started.

20 A. Yes. We had the safety plan for tenth
21 grade too, yes.

22 Q. So that was going to continue?

23 A. Yeah. I think unless I was able to talk
24 them down. I don't remember. Because the safety

1 plan was a very iffy thing, because I kind of wasn't
2 listening to it at that point, because I was tired
3 of getting called out by my friends and stuff, so --

4 Q. Okay. So you weren't interested in the
5 safety plan?

6 A. It's not because I wasn't interested. I
7 was just tired or having all the attention drawn to
8 me.

9 Q. Okay. But you do remember at the IEP
10 meeting with the North Penn High School people that
11 your mom did discuss that you needed to be kept away
12 from [REDACTED] correct?

13 A. Yeah.

14 Q. And what's your recollection of what any of
15 the North Penn school people said in response?

16 A. They said they would definitely keep us out
17 of the same classes and they kept reassuring and
18 said that we wouldn't be together and that we would
19 stay separated and kind of said that they would look
20 into it and make sure that I would have a security
21 guard to and from North Montco. I would have this,
22 that and the other thing. Then they kind of --
23 wait. What else did they say? I don't know what
24 else they -- I don't remember what else they said,

1 but they said something else.

2 Q. Physically, is North Penn High School in
3 close proximity to North Montco?

4 A. North Montco is right in North Penn's
5 backyard.

6 Q. So the campuses abut each other, correct?

7 A. Yes.

8 Q. And if you walk from North Penn High School
9 to Montco, how far of a walk do you think it is?

10 A. Probably like a 30 foot walk -- 40 yard
11 walk.

12 Q. So it's not far at all?

13 A. No, not at all.

14 Q. Okay. And if I understand what you said,
15 you were going to have an escort from North Penn
16 High School to North Montco?

17 A. Yes. That's what the one lady from North
18 Penn said, that we were going to have an escort from
19 there making sure that I wasn't going to run into
20 him. And for any issues I was going to have like a
21 person that I could go to and how we were going to
22 stay out of separate classes and away from each
23 other and all that stuff.

24 Q. Okay. Now, when tenth grade began do you

1 recall who your case manager was?

2 A. Honestly, when it came to tenth grade, I
3 didn't have much interaction with my case managers.

4 Q. Was Lindsey Riggin ever your case manager?

5 A. Sounds very familiar. Probably.

6 Q. Okay. So she could have been, but you
7 don't have a good recollection right now?

8 A. Yeah.

9 Q. Okay. And your recollection is you didn't
10 interact with your case manager for your IEP very
11 much in ninth or tenth grade?

12 A. Yeah. I mean I talked to the counselors,
13 but I didn't talk to like the IEP lady except for
14 when it came to like the meetings and like anything
15 that came to do with like the big talker like --

16 Q. So if I understand what you just said, your
17 testimony, you had more interaction with Kyra
18 O'Brien in ninth and tenth grade?

19 A. Yes.

20 Q. And she was the person that you talked to
21 about issues?

22 A. Yes.

23 Q. Prior to starting tenth grade after having
24 the IEP meeting with the North Penn High School

1 people, did you have anxiety about interacting with
2 [REDACTED] in any way?

3 A. Like before the North Penn --

4 Q. Before school started?

5 A. I mean yeah. I didn't know where [REDACTED] --
6 at the end of the day, I never knew where [REDACTED]
7 went from Pennbrook -- or Gwynedd Square. And no
8 matter how much I can think to myself, who knows if
9 he changed to North Montco. I didn't know whether
10 or not to believe it or whether or not to really
11 trust North Penn, like it was just -- yeah.

12 Q. Okay. So you go to school the first day
13 and you start at the high school, correct?

14 A. Yes.

15 Q. And one of the classes that you're assigned
16 is a history class with Mr. Bowegan (sic), correct?

17 A. Say that again.

18 Q. One of the classes on your schedule at the
19 high school was a history class with Mr. Bowegan
20 (sic), and I may be mispronouncing his name?

21 A. His name starts with a B, but I don't think
22 that's it. I don't remember what his name is.

23 Q. Okay. But your history teacher was a man
24 and you think his name started with a B, correct?

1 A. Yes.

2 Q. Okay. So that first day of school did you
3 go to history class?

4 A. Yes.

5 Q. And when you got to history class was
6 [REDACTED] in that class?

7 A. No.

8 Q. When you went -- okay. So were you
9 assigned a seat that first day?

10 A. Kind of -- we just kind of went in and you
11 sat down and that was probably like the third day
12 that they actually picked seats and stuff like that.

13 Q. Okay. After the first day of school, at
14 some point did [REDACTED] become a student in that
15 class?

16 A. Probably like three days after the first
17 day. He actually like -- because he was just out of
18 school for a few days. He wasn't out of just that
19 class. He was just out of school. So then he came
20 back like the third day, which was when we also
21 assigned seats and where we ended up sitting next to
22 each other.

23 Q. Okay. So your understanding is that [REDACTED]
24 [REDACTED] didn't become a student on the third day, he

1 was a student all along, but missed the first few
2 days of school?

3 A. Yes.

4 Q. How do you know that?

5 A. I didn't -- so before that I didn't know
6 whether he was in the school or not. I just saw him
7 -- or I didn't see him one day and then the next day
8 I just saw him in this class. So I'm like, oh, I
9 guess he kind of missed the first day of school,
10 which people do usually. Because the first day of
11 school is just the introduction sometimes.

12 Q. Okay. So no one told you that he missed
13 the first two days, you just believed that he didn't
14 show up for the first two days for whatever
15 reason --

16 A. Yeah.

17 Q. -- because you didn't see him in that class
18 until the third day?

19 A. Yeah. And I didn't even know that he was
20 in that class at that time.

21 Q. Okay. When you saw him in your class on
22 what you believe was the third day in history class
23 with a teacher whose name begins with a B and you
24 ended up sitting next to each other what, if

1 anything, did you do?

2 A. I didn't know what to do honestly. I
3 thought we -- or I thought I had talked to the
4 teachers. I thought we like talked about this. I
5 didn't know if they just blew me off. Like it was
6 really confusing. Then I'm like did the teacher do
7 this, did the -- because I didn't know whether he
8 got the assigned seats from people above him or --
9 those assigned seats like. I kind of sat there,
10 froze and then was thinking about it and then was
11 like, all right, now that's something I got to deal
12 with, and I don't know how to, so --

13 Q. Do you have any recollection of the teacher
14 of the history class, Mr. Bowegan (sic) or the
15 gentleman whose name began with a B, indicating that
16 if you didn't like your seat you could change it?

17 A. No.

18 Q. And why didn't you tell Mr. Bowegan (sic)
19 that there was problem with you being in that class
20 with [REDACTED] in that class?

21 A. I didn't know how to -- like I didn't know
22 how to tell him, because it was something that
23 happened so long ago, so I didn't know how to not go
24 up and not seem like an overreacting teenager, like,

1 oh, this guy was near me in elementary school. I
2 need to move seats and I didn't want to like -- I
3 also knew that if I said the moment [REDACTED] was next
4 to me and got sat next to me, I knew that was going
5 to be the nuke button on my whole life, because that
6 was going to start up everything all over again for
7 the fact that he was going to be able to be sat next
8 to me.

9 Q. And is there a reason why you didn't go
10 immediately to Kyra O'Brien and tell her?

11 A. Because I wasn't -- I wasn't ready to
12 believe that my life was going to change yet again.

13 Q. But you would agree that Kyra O'Brien knew
14 that you were to be kept from [REDACTED], correct?

15 A. Yeah.

16 Q. And when you started tenth grade you had a
17 good relationship with Kyra, correct?

18 A. Yes.

19 Q. And you trusted her?

20 A. Yes.

21 Q. But you didn't tell her that you were in
22 this class on that day, correct?

23 A. Yeah. Not until like a month later.

24 Q. Okay. When you went home from school the

1 third day when [REDACTED] ended up in your class why
2 didn't you tell your mom that he was in your class?
3 A. Because telling my mom that the one guy
4 that we took that long to avoid is in my class
5 standing right next to me, that's going to make my
6 mom lose all faith in the school system and a lot
7 more than just, you know, like -- like that's making
8 us lose faith in people or like the people that she
9 trusted. Even myself, I was losing like -- I didn't
10 want to believe that the fact that I've gone that
11 long with trying to avoid him and then he was next
12 to me in class, like it was hard for me to believe
13 at the time.
14 Q. Did you tell anyone that [REDACTED] was in your
15 class that first day or anytime before the October
16 day where you did tell Kyra O'Brien?
17 A. No. Not even like my boyfriend and stuff.
18 Q. Okay. So who were you dating at the time?
19 A. A guy named Nick.
20 Q. Nick?
21 A. Uh-huh.
22 Q. And what's Nick's last name?
23 A. Clemens.
24 Q. How do you spell that?

- 1 A. C-L-E-M-E-N-S.
- 2 Q. And did you meet Nick at school?
- 3 A. Yeah.
- 4 Q. Was he a North Montco student?
- 5 A. Yeah.
- 6 Q. And did he also go to North Penn High
- 7 School?
- 8 A. No.
- 9 Q. He was just a North Montco person?
- 10 A. Yes. And he went to Souderton too.
- 11 Q. Okay. Is Souderton one of the high schools
- 12 that feeds North Montco?
- 13 A. Yes.
- 14 Q. Was he an automotive student?
- 15 A. Yes.
- 16 Q. And when you started tenth grade, how long
- 17 had you been dating Nick?
- 18 A. Probably maybe like -- I was dating him in
- 19 ninth grade, so -- I don't know. Maybe
- 20 three-quarters -- or halfway to three-quarters into
- 21 the way of ninth grade I started dating him.
- 22 Q. Okay. And you continued dating him over
- 23 the summer and into the new school year?
- 24 A. Yes.

1 Q. So did there come a point in time when
2 [REDACTED] began to touch you again
3 inappropriately?

4 A. In tenth grade, yes.

5 Q. When did that happen from when you realized
6 he was in your class?

7 A. Until like a week after he came back in the
8 class and then he would start getting slowly closer
9 and closer. Then we had like this friend group of
10 like four people and then he also started trying to
11 get closer in more than just the social studies life
12 -- or more than just social studies and was friends
13 with all my friends and then he would start getting
14 -- or then he started getting touchy and feely and
15 all that stuff.

16 Q. Okay. So in the beginning there were four
17 of you in the social studies class you identified it
18 as who were a friend group?

19 A. Uh-huh.

20 Q. So besides you and [REDACTED], do you recall
21 the other two individuals' names?

22 A. Anthony and Jack.

23 Q. And did you become friends because they sat
24 close to you?

1 A. I was friends with Anthony because he was
2 on my side. Jack I had met earlier in the day and
3 stuff like that and we were starting to talk and me
4 and him were becoming friends.

5 Q. And when you say that [REDACTED] tried to be
6 friends outside of just that class, what do you mean
7 by that?

8 A. He would start being in all my friend
9 groups. He would start trying to eat at my table at
10 lunch. He would start following me around outside.
11 Then he would start following me around to classes
12 and stuff.

13 Q. Did you eat lunch at the high school?

14 A. Yes.

15 Q. Okay. And were you having the security
16 guard walk you from the high school to North Montco?

17 A. No. They never started that.

18 Q. And was Felicia following you around the
19 halls in North Montco?

20 A. She tried.

21 Q. Okay. So that safety plan was in place
22 when tenth grade started, correct?

23 A. Not tenth grade. It was more ninth grade
24 or anything like that that we sort of -- I sort of

1 told them I didn't want the safety plan in tenth
2 grade, just let me be a kid kind of. And they
3 didn't really start it up that much in tenth grade.
4 And I think they ended up taking off the whole I had
5 to get escorted to each class.

6 Q. So when school started and you realized
7 that [REDACTED] was in your class, is it your
8 recollection that Felicia was not accompanying you
9 to classes?

10 A. Yes. What, at North Penn?

11 Q. At North Montco?

12 A. Okay.

13 Q. Is that correct?

14 A. Yeah. She only followed me in classes at
15 North Montco. She never went to North Penn.

16 Q. She didn't work in the high school, she
17 worked in the vocational school, correct?

18 A. Yes.

19 Q. Okay. Did there come a point in time when
20 [REDACTED] began touching you in the classroom? You
21 said he was touchy feely. Did there come a point in
22 time when you think he crossed the line and was
23 being touchy feely and was inappropriately touching
24 you?

1 MS. LAUGHLIN: Objection to the
2 form. You can answer.

3 THE WITNESS: We would be in the
4 class maybe two or three weeks in and the
5 teacher would start turning off the lights
6 to do like the day-to-day tests and stuff
7 like that. Or if we were in groups he
8 would move his desk really close to mine
9 and try to reach under his arm to like grab
10 my stomach or like go under my pants and
11 stuff like that and kind of just watch out
12 for the teacher and just kind of would see
13 where exactly he could take his hand, if
14 that makes any sense.

15 BY MS. JORDAN:

16 Q. And what, if anything, would you do in
17 response when he was doing this?

18 A. I mean I was trying not to be noticeable,
19 because we had two other people in our group and it
20 was like -- or I would try to shrug him off and I
21 would try to like get him off me, but I didn't want
22 to make a scene to where the teacher was looking at
23 me like are you okay, dude.

24 Q. And was Anthony and Jack the other people

1 that would be in your group?

2 A. Yes.

3 Q. Did you ever tell Anthony and Jack, hey,
4 look, get him off me?

5 A. I ended up actually coming forward to
6 Anthony at the end of it.

7 Q. Okay. And when you say at the end of it,
8 is that in October when you told Kyra O'Brien?

9 A. Yes.

10 Q. Did [REDACTED] try to touch you
11 inappropriately or did he touch you inappropriately
12 anywhere else besides that classroom?

13 A. He didn't have a chance, because he also
14 had a girlfriend.

15 Q. Okay. And in the police report you told
16 the police officer there was an incident that
17 occurred at a carnival?

18 A. Yes.

19 Q. Do you recall that?

20 A. Yes.

21 Q. What carnival was that?

22 A. It was the one near my house. It was like
23 the Upper Gwynedd carnival.

24 Q. And when in the timeframe did that

1 incidents occur?

2 A. Probably like halfway through, like the
3 month or something like that, like two weeks in,
4 three weeks in, something like that.

5 Q. Three weeks into school --

6 A. Yes.

7 Q. -- in September?

8 A. Yeah.

9 Q. So you went to a carnival. Who did you go
10 to the carnival with?

11 A. I was with my friends, John and Dylan.

12 Q. John and Dylan?

13 A. Yes.

14 Q. And at the carnival you see [REDACTED]?

15 A. He saw me first, but yeah.

16 Q. So you're walking around with Dylan and
17 John --

18 A. Right.

19 Q. -- and [REDACTED] sees you; and does he come up
20 to you?

21 A. So he comes up behind me and he was like --
22 or he started up a conversation. I'm like, dude --
23 like kind of, you know, hi, how are doing kind of.
24 Can you get away from me? Because John knew who

1 [REDACTED] was and all that stuff. So I was staying
2 near John. And then he kind of pressured me to go
3 on the Zipper and then we ended up -- he ended up
4 pressuring me to go on the Zipper and we went on
5 that roller coaster together.

6 Q. Okay. So your friend John -- and what is
7 John's last name?

8 A. Lehn, L-E-H-N.

9 Q. Where did he go to school?

10 A. He went to school at -- he went to Gwynedd
11 Square.

12 Q. So you knew him from elementary school?

13 A. Yes.

14 Q. And then was he attending a high school
15 when you were attending high school?

16 A. He was a little bit more of a problem
17 child, so he didn't really -- he was doing
18 Pennbridge I think at that point or something like
19 that.

20 Q. Is that an online class?

21 A. It's like an alternative school.

22 Q. And what about Dylan?

23 A. Dylan was in my school.

24 Q. And when you say my school, North Penn High

1 School?

2 A. Yes.

3 Q. Did he also go to Montco?

4 A. Yes.

5 Q. So you said John knew everything. Had you
6 confided in John the inappropriate touching that had
7 occurred with [REDACTED] back in Gwynedd Square?

8 A. No. He knew about the sixth grade
9 incident, because he was watching it happen and --
10 because anytime that -- I can guarantee people are
11 going to say like I was running around trying to
12 find [REDACTED] and all this stuff. No. He was hanging
13 out with one of my best friends, who happens to
14 still be my best friend to this day, which is John.
15 And I was always trying to follow John around and
16 like [REDACTED] always happened to be like there and
17 stuff, so he saw everything like happen and like he
18 watched -- he saw it. He just never -- he just
19 never could step in because he -- we're all kids.
20 No one like -- no, you can't exactly step into any
21 of that because --

22 Q. Do you know that John saw it because he
23 told you or do you believe he was seeing it because
24 he was in the vicinity when it occurred?

1 A. Because what I can claim -- he looked at me
2 and he's like that's what was going on with all of
3 that? I'm like yeah. So when I told him he was
4 like -- or he like noticed it, but he never knew
5 something was going on.

6 Q. And so you are still friends with John?

7 A. Yes.

8 Q. And what about Nick, do you still see Nick?

9 A. Yes. I'm still his girlfriend.

10 Q. Okay. Do you recall the teacher in your
11 history class prior to you confiding in Kyra
12 advising you that because you weren't doing well in
13 the class he was going to transfer out to a
14 different history or social studies class?

15 A. That was math class. That wasn't history
16 class.

17 Q. Okay. So you have no recollection of Mr.
18 Bowegan (sic) or --

19 MS. LAUGHLIN: I think it's

20 Borgmann. It's B-O-R-G-M-A-N-N, I think.

21 MS. JORDAN: Thank you. I don't
22 know why I keep saying Bowegan (sic).

23 BY MS. JORDAN:

24 Q. So is it your testimony that your

1 recollection was that you were going to be
2 transferred out of a math class and not Mr.
3 Borgmann's history class?

4 A. Yeah. Because Ms. Childs, who was my
5 middle school, I think, science or math teacher, was
6 telling me how I wasn't doing good in math and that
7 I needed to be transferred out of it. And I was
8 like, oh, darn, okay. And then I was asking her --
9 I'm like, hey, do you think maybe we can do like a
10 few things or maybe you can proof -- or you can help
11 me so that maybe I could stay in this class or
12 whatever. She said no. I said okay, no problemo.
13 Then I went to a new math class.

14 Q. So you have no recollection of Mr. Borgmann
15 advising you that he was going to transfer you out
16 to another class because academically you weren't
17 meeting the requirements?

18 A. Yeah, no one told me that.

19 Q. Do you have any recollection of telling Mr.
20 Borgmann that you didn't want to leave that class?

21 A. I didn't want to leave that class. Other
22 than the [REDACTED] thing, I loved that class. He was a
23 great teacher.

24 Q. Okay. So you have no recollection of that

1 occurring, correct?

2 A. Yes.

3 Q. And your recollection is you would have
4 remained in that class but for [REDACTED] being in the
5 class after you told Ms. O'Brien you were then
6 removed from that class?

7 A. Yes.

8 Q. Okay. Do you recall the date that you told
9 Ms. O'Brien of the incident?

10 A. It was the last day, so I have no clue. I
11 have no clue.

12 Q. You don't remember?

13 A. No.

14 Q. Was it in October?

15 A. Yes.

16 Q. Okay. And why did you confide in Ms.
17 O'Brien that day?

18 A. Because I was honestly getting tired of the
19 way [REDACTED] was treating me. I was getting tired of
20 having to keep holding up an act of being okay when
21 I was watching him hanging out with my friends and
22 it was just -- I don't know. I needed to change
23 something and I just kind of snapped at that point.

24 Q. So going back to the carnival, you said

1 that he forced me to go on the Zipper; is that a
2 ride of some kind?

3 A. Yes.

4 Q. And how did he force you to go?

5 A. He was like, oh, we should go on this ride,
6 you know, we should go on this ride and kind of
7 nudging me over towards it. John was like go ahead.
8 So I don't think he actually figured out what it was
9 at the time, but then -- yeah. So then, yeah, he
10 said, all right, let's go on this roller coaster.
11 I'm like, no, I'm good. No, I'm good. And then
12 like, all right, fine, if you're going to keep
13 pushing. Then he just kind of like nudged me over
14 to the Zipper and then we ended up getting onto the
15 Zipper.

16 Q. Prior to going on the Zipper, was there any
17 reason why you didn't say, hey, John, I want out of
18 here, let's leave?

19 A. I kind of froze and I just looked at John
20 like -- because in that time it's like you think of
21 a thousand things, but you can't like -- you
22 wouldn't expect to be turning around and you see him
23 like -- I don't know. It's just -- I kind of just
24 froze in that situation.

1 Q. And would that be why you yourself didn't
2 leave the area when he wanted to go on the Zipper
3 with you?

4 A. I mean I did want to leave, but that's
5 probably -- yeah, honestly. And also in tenth grade
6 he's a lot -- or in tenth grade especially he was a
7 lot bigger than me and he was friends with all my
8 friends and he was like -- like he was intimidating
9 and like he -- like the moment I -- I didn't know if
10 I ruined it with him. Did I ruin it with all my
11 friends. Like am I going to ruin everything by
12 saying the truth like -- or even at that moment the
13 that scene that I would have caused at that
14 carnival, what's going to spiral down because of it.

15 Q. So when he approached you at the carnival
16 did you believe that he was physically intimidating?

17 A. I mean yeah and like just him being there
18 and just remembering everything and it was like I
19 need to -- I didn't know what to do.

20 Q. Okay. And if I understand your testimony,
21 because he was friends with your friends, you were
22 concerned that if you made a big deal about it that
23 it would impact your friendships with these other
24 people; is that what you're saying?

1 A. A little bit, because this -- or North Penn
2 -- as much as the [REDACTED] thing sucked, it was the
3 first time I ever had friends. It was the first
4 time I had ever had the classes I enjoyed and doing
5 the work that I loved. Like getting to go down to
6 the automotive shop and doing that stuff and then
7 coming back to do my academics, it was like the one
8 thing in education I really wanted except for the
9 [REDACTED] thing and like it was just -- I don't know --
10 other than friendships -- I just didn't want
11 everything to get messed up.

12 Q. So you did confide in Ms. O'Brien at the
13 point where you believed that something needed to be
14 changed?

15 A. Yeah.

16 Q. And am I correct that Ms. O'Brien advised
17 you that the police had to be called?

18 A. Yes.

19 Q. And she advised you that she had to tell
20 your parents?

21 A. Yes.

22 Q. And those things occurred, correct?

23 A. Yep.

24 Q. And did your parents come to the school

1 first or did you go home and talk to your parents,
2 if you remember?

3 A. I went home -- or no. My mom came over to
4 the school, I think, and then picked me up and then
5 we went to go talk at home or something and like we
6 started going to Mission Kids or something. I'm not
7 100 percent sure.

8 Q. Do you recall speaking to the Towamencin --
9 and I could be saying that wrong --

10 A. The Towamencin Police Department?

11 Q. Yes.

12 A. Yes.

13 Q. Was that the same officer who had helped
14 you on the prior occasion that was there?

15 A. I don't think that was one, because that
16 was the Towamencin area.

17 Q. So this is a different police officer that
18 you didn't have a relationship with; would that be
19 fair?

20 A. Yes.

21 Q. Okay. And with your mom in the room the
22 police officer and some other people associated with
23 the police department, you were asked questions and
24 you gave responses, correct?

1 A. Yes.

2 Q. When you were at the carnival and got on
3 the Zipper with [REDACTED] did he inappropriately touch
4 you on the Zipper?

5 A. He grabbed my hand and then -- even though
6 I was trying to fight him, he still forced me to put
7 my hands down his pants and -- yeah.

8 Q. He forced you to touch him?

9 A. Uh-huh. Because he had his own hand -- or
10 my hand in his arm and not matter how much I was
11 trying to yank it back, this man who plays football
12 can definitely control my arm a lot better than I
13 can and I was trying to not to. I was like, dude,
14 stop. Come on. This is a roller coaster, like
15 let's not start this. It's literally a kid ride.
16 He was like no, I think we should and then he
17 started doing stuff.

18 Q. So when he forced you to put your hand in
19 his pants, did you do anything with your hand in his
20 pants?

21 A. No.

22 Q. What did he do to you, if anything, on the
23 Zipper?

24 A. He was trying to like grab -- or he like

1 tried to touch me a little bit, but I kind of
2 defended myself a little bit. He was more worried
3 about where my hand was going to go and -- yeah. He
4 like -- I don't know. He tried more -- he was more
5 worried about me trying to do things with him than
6 he was about doing things with me.

7 Q. And when say that he was more worried about
8 you doing things to him, he was trying to initiate
9 you to touch him in a sexual way?

10 A. Yes.

11 Q. And you did not?

12 A. No. I didn't like -- like I kept my fist
13 closed. I'm like, dude, come on. This is a kid
14 ride. I don't want to be doing -- no. There is a
15 screen in front of us where an entire amusement park
16 can see us. I'm good. Like even if that wasn't
17 there, I'm still good.

18 Q. So other than him trying to get you to
19 touch him in a sexual way, did anything happen on
20 the Zipper?

21 A. No.

22 Q. After you rode the Zipper then what
23 happened?

24 A. I kind of just told -- or I called my mom

1 up and I told her that she needed to come pick us up
2 and then I grabbed John and I'm like, dude, we're
3 going home. He's like, are you all right? I'm
4 like, yep. We're going home. He was like okay.

5 Q. From your testimony, would I be correct
6 that at the carnival [REDACTED] did not digitally
7 penetrate your vagina?

8 A. Yes.

9 Q. Did [REDACTED] at any time digitally penetrate
10 your vagina?

11 A. There were a few times where he would like
12 to finger -- or like -- yes. Like in class and
13 stuff like that. I think in sixth grade he did
14 once. In tenth grade he did a few times. That was
15 about it.

16 Q. How many times total -- once in sixth grade
17 and then you said a few times in tenth grade; what
18 does a few mean?

19 A. Three to seven maybe. Maybe more. I don't
20 know.

21 Q. And did that all occur in the classroom?

22 A. Yeah.

23 Q. And how did that occur while class was
24 going on?

1 A. Because he would like to -- he would
2 basically sit there hunched over in his desk and
3 then take his arm and like put it underneath the
4 chair of like both of our arms, but he would have
5 his desk pushed up so far that he would be pinning
6 himself inside to his desk. So literally if he did
7 that he could grab anything that he wants on my
8 side. And I'm like, dude, knock it off and he never
9 did, so --

10 Q. But to be able to do that wouldn't he have
11 to put his hands down your pants or skirt and your
12 underwear?

13 A. No, not when you're literally doing it like
14 this and you have your arm out like that
15 (indicating).

16 MS. LAUGHLIN: And just for the
17 record, you're leaning over yourself and
18 your right arm is reaching across your
19 body.

20 THE WITNESS: Yeah. Like under
21 your arm you have that -- he has anything
22 -- the small arm desk chairs are literally
23 like -- he's pushed all the way over here
24 and trying to go there. The man is a

1 football player. He has long arms.

2 BY MS. JORDAN:

3 Q. So his chair was touching your chair?

4 A. Yeah. Like his entire side was pushed over
5 to my desk.

6 Q. And when he would do this what, if
7 anything, would you do to respond to that?

8 A. I would try to scoot away and I would try
9 to do whatever I could and then he would just kind
10 of try harder or whatever. There were times where
11 he would try to tickle me in class or try to mess
12 with me or something like that to try to get close
13 to me and it was just --

14 Q. When you spoke to the police once you
15 reported it to Ms. O'Brien in October of 2018, were
16 you truthful to the police?

17 A. Yes.

18 MS. LAUGHLIN: Objection to the
19 form.

20 BY MS. JORDAN:

21 Q. Did you leave anything out that you didn't
22 tell the police?

23 A. In tenth grade --

24 Q. Yes.

1 A. -- or in sixth grade?

2 Q. No. Tenth grade?

3 MS. LAUGHLIN: That she can
4 remember now if she left something out to
5 the police that she's remembering now for
6 the first time?

7 MS. JORDAN: Yeah.

8 BY MS. JORDAN:

9 Q. Is there anything you recall not telling
10 them either intentionally or inadvertently?

11 A. It's all unintentional. I tried to be as
12 truthful and honest as I can, but honestly, I was
13 going through a lot at this time and when it comes
14 to try and remember it it's just -- yeah, it's a
15 little hazy here and there, but I still remember the
16 events. I can remember things. I do remember how
17 it happened. It's just sometimes I very
18 unintentionally don't either say something or forget
19 something.

20 Q. Okay. When you called your mom at the
21 carnival did you confide in John what had occurred
22 on the Zipper?

23 A. I just said that was [REDACTED] and we need to
24 go.

1 Q. And what, if anything, did he say?

2 A. He's like all right, cool, let's go.

3 Q. Did you confide in your boyfriend at any
4 time before telling Ms. O'Brien?

5 A. No.

6 Q. Have you ever confided in your boyfriend
7 what [REDACTED] did to you?

8 A. Yes.

9 Q. After you spoke with your mom in the room
10 to the police and other law enforcement people, what
11 is your understanding as to whether any charges were
12 made against [REDACTED]?

13 A. For all I know, there haven't been any
14 charges against him.

15 Q. Do you know what the determination was in
16 that regard, why they did or why they didn't?

17 A. No.

18 Q. Okay. And after you reported it to the
19 police and to Ms. O'Brien you were taken out of that
20 class, correct?

21 A. Yeah. Because then I went back to North
22 Montco.

23 Q. Okay. And so a decision was made that you
24 were going to be a full-time student again, correct?

1 A. Yes.

2 Q. Did they implement the safety plan again
3 with Felicia, that she had to accompany you to
4 class?

5 A. Not really. Because I was going through a
6 lot and they were just trying to make it easy at
7 that point.

8 Q. Okay. And when you became a full-time
9 student again in tenth grade in October of 2018, for
10 that school year of 2018, 2019 did you have any
11 further interaction with [REDACTED]

12 A. After the tenth grade incident, no.

13 Q. Okay. Now, did you still do your horsing
14 during that school year?

15 A. Yes.

16 Q. And would you have taken the classes -- the
17 core classes, the history, English and math, online
18 again?

19 A. No. Because when I was in tenth grade they
20 actually had tenth grade students, so I was able to
21 do my classes with them.

22 Q. Okay. So you didn't need to use your
23 Chromebook and do everything online, you were
24 actually physical going to class in North Montco?

1 A. Yes.

2 Q. Okay. Now, in 2018, while you were in
3 tenth grade there was a suspension that you had for
4 drinking alcohol in school; do you recall that?

5 A. In what grade?

6 Q. Tenth grade.

7 A. Yes.

8 Q. And how long were you suspended, if you
9 remember?

10 A. A week.

11 Q. And do you recall who you were drinking
12 with?

13 A. Nick and a few other people.

14 Q. So Nick, your boyfriend, was one of the
15 people?

16 A. Yeah, and one other.

17 Q. Was he also suspended?

18 A. Yes.

19 Q. Did your drinking the alcohol in school
20 have anything to do with the [REDACTED] incident?

21 A. Yes.

22 Q. Explain for me how they're related.

23 A. I was going through so much trauma with the
24 [REDACTED] thing and dealing with it, reliving it and

1 all this stuff, plus the normal everyday drama of
2 being a teenager, I didn't have any outlets other
3 than -- I didn't have any outlets. So when it came
4 to -- I wasn't able to get therapy at the time. I
5 wasn't able to get a psychiatrist. I wasn't able to
6 get medication, so I just tried to self-medicate the
7 best way that I knew how, which wasn't going to hard
8 drugs, but turning to drinking, which obviously
9 didn't turn out the best, but --

10 Q. So other than that incident at school where
11 you were drinking -- I believe out of a Wawa cup --

12 A. Yeah.

13 Q. -- did you try to self-medicate drinking
14 any other time during tenth grade?

15 A. I stopped drinking the moment I did that.

16 Q. And was there any other reason that you
17 were suspended during your tenth grade year after
18 the [REDACTED] incident that you can recall?

19 A. No, not after.

20 Q. You said that you couldn't go to counseling
21 or see a psychiatrist or take medication; why not?

22 A. I wasn't ready to trust a therapist. I
23 wasn't ready to trust a psychiatrist. I was
24 watching authority turn their back on me most days.

1 So what was going to make me trust someone with
2 opening up about the most vulnerable things about
3 me.

4 Q. So you weren't interested in being honest
5 in therapy or counseling at that time if I
6 understand your testimony?

7 MS. LAUGHLIN: Objection to the
8 form.

9 BY MS. JORDAN:

10 Q. Is that what you're telling me?

11 A. Like I wanted to be honest -- I wanted to
12 be honest about everything, but every time I was
13 honest about something I would watch one thing
14 change or I would watch authority turn their back on
15 me or I would watch something happen that it -- I
16 would think that someone is picking me up, but then
17 they end up slamming me back on the ground again. I
18 was tired of my life changing. I was tired of
19 things getting ripped out from under my feet. I
20 didn't want to talk -- God, if I talked to the
21 therapist about half the things I wanted to say they
22 would have looked at me like I have a thousand heads
23 and be like you haven't tried to talk sooner. It
24 just -- it was -- I was scared to trust someone.

1 Q. And that was because of the events that had
2 occurred at school?

3 A. Yeah.

4 Q. Now, in the spring of 2019 before the end
5 of the school year, do you have a recollection of
6 being interviewed by a psychologist at North Montco?

7 A. I have no recollection of being interviewed
8 by a psychologist.

9 Q. Okay. So if there's a reference that you
10 may have been seen by some type of psychologist
11 while you were in tenth grade at North Montco you
12 don't know what that refers to?

13 A. Like outside of North Montco you mean, like
14 the psychiatrists outside of North Montco?

15 Q. No. I was asking that's associated with
16 North Montco?

17 A. No, I have not seen one that's associated
18 with, but I've seen one that was not associated
19 with.

20 Q. Okay. So who did you see that's not
21 associated with the school in tenth grade?

22 A. I don't remember his name, because I only
23 saw him for like a month or two.

24 Q. Okay. And is that someone that your mom

1 sent you to or how did you come to treat with that
2 person?

3 A. My therapist had sent me to him.

4 Q. So Kyra O'Brien sent you to him?

5 A. No. My therapist outside of that school at
6 that time.

7 Q. I'm sorry.

8 A. No. You're good. Yeah, the one outside
9 the school sent me to that psychiatrist.

10 Q. Was that Sean who sent you to it?

11 A. No. It was one lady before that. I don't
12 remember her name.

13 Q. Okay. So in your junior year, which would
14 have begun in the fall of 2019 into 2020, did you go
15 back to North Montco?

16 A. My senior year --

17 Q. No. Your junior year.

18 A. My junior year, so that's 11th -- what
19 grade is that?

20 Q. Eleventh.

21 A. Eleventh, no, I did not. I actually went
22 to Pennbridge and then I slowly started going into
23 home schooling full time, so --

24 Q. Okay. So Pennbridge is the school you told

1 me about before that your friend John went to?

2 A. Yes.

3 Q. So when you started in your junior year at
4 Pennbridge was John a classmate?

5 A. No. He was out of school by then.

6 Q. Okay. Did he graduate from school or did
7 he drop out of school?

8 A. He dropped out of school.

9 Q. Okay. To go to Pennbridge would you be
10 bussed there?

11 A. Yes.

12 Q. And what type of classes did you take at
13 Pennbridge?

14 A. Just the normal like everyday classes. It
15 was a school for like everyday classes, but it was
16 for kids who needed a little bit more help than the
17 normal ones and stuff. Well, not the normal ones,
18 but just needed a little more help throughout their
19 everyday lives. Sorry. I didn't mean to make that
20 sound mean.

21 Q. So was it structured differently --

22 A. Yeah.

23 Q. -- like would you have counseling classes
24 along with your core classes?

1 A. You would have like classes that would --
2 they wouldn't be as strict and uptight as like
3 normal day-to-day schools. They would be a little
4 bit looser on their rules. Like they know either
5 someone is going through trauma or someone did
6 something to end them up in that school like -- I
7 don't know. It's always had a bad reputation for
8 being like a troubled kids school -- you know how
9 like every district has one, but I don't -- I don't
10 know exactly what makes it different, but it is
11 different like --

12 Q. How did you feel about attending
13 Pennbridge.

14 A. Oh, I loved it. I absolutely loved it.
15 Then COVID hit two months later, but --

16 Q. Okay. So you began attending Pennbridge
17 and then COVID-19 came and school shut down?

18 A. Yes.

19 Q. So then you went online?

20 A. Yes.

21 Q. Everybody went online?

22 A. Uh-huh.

23 Q. Were the classes that you were taking after
24 COVID hit and there was a shutdown administered by

1 Pennbridge or a different program?

2 A. They were by Pennbridge.

3 Q. Okay. For your 11th grade year, junior
4 year, did you complete the full year through the
5 Pennbridge program to your knowledge?

6 A. Yeah. From halfway through tenth, 11th and
7 12th I had ended up basically doing Pennbridge for
8 the rest of 10th and then 11th and 12th I think I
9 did home schooling for the rest of the two years,
10 something like that.

11 Q. Okay. Was the home schooling due to the
12 pandemic shutdown?

13 A. Yes.

14 Q. Okay. So it wasn't that you decided I want
15 to home school, I don't want to deal with school?

16 A. Yes.

17 Q. Okay. You told me you loved Pennbridge,
18 correct?

19 A. Yes.

20 Q. So but for the pandemic, you would have
21 enjoyed attending Pennbridge?

22 A. Oh, yeah.

23 Q. And if it would have opened after COVID you
24 would you have gone back there?

1 MS. LAUGHLIN: Objection,
2 speculation, but you can answer.

3 THE WITNESS: I mean, yeah, I
4 would have gone back there, but also at
5 that point in time I was starting to get
6 like the home schooling thing under control
7 and started liking not having that always
8 structured 24/7 kind of life with school
9 and stuff.

10 BY MS. JORDAN:

11 Q. So your senior year when the school year
12 began, was there still a shutdown at all the schools
13 because of COVID?

14 A. Senior year sort of -- it was in and out,
15 so we just kind of ended up just finishing off the
16 year with the home schooling, so that we weren't
17 going into school, out of school and chancing COVID,
18 not chancing COVID.

19 Q. So if you would have returned to
20 Pennbridge, was it like a hybrid, some days were
21 virtual, some days were in person?

22 A. Yes.

23 Q. And was there a decision made by you and
24 your family that it would just be easier to do home

1 schooling?

2 A. Pretty much, yeah.

3 Q. Okay. So was it available for a student to
4 say I don't want to do the hybrid, I'm just going to
5 stay online?

6 A. I think so, yes.

7 Q. And so would I be correct that the classes
8 you took in 12th grade online were through the
9 Pennbridge program?

10 A. Yes.

11 Q. And so that was supported by the school
12 district?

13 A. Yes.

14 Q. So when you completed your 12th year you
15 had accumulated enough credits through the North
16 Penn School District to graduate on time?

17 A. Uh-huh.

18 Q. Correct?

19 A. Yes.

20 Q. And that's why you went to graduation,
21 because you had completed all of your required
22 courses?

23 A. Yes.

24 Q. Okay. When you did classes online in 11th

1 and 12th grade because of COVID, was it virtual in
2 that you were in a classroom and other students were
3 in the class with you?

4 A. No. I would go onto a site and basically
5 do my own assignments on my own time. It wasn't
6 Zoom. It was literally on your own time type of
7 thing.

8 Q. So you controlled your schedule?

9 A. Yes.

10 Q. So you could accelerate or take your time
11 because you weren't holding anyone up and no one was
12 holding you up?

13 A. Yes.

14 Q. When because of COVID and Pennbridge shut
15 down and you started these cyber classes, if you
16 will, how did you do academically?

17 A. I actually did really, really good. The
18 11th grade and 12th grade were probably my best
19 years academically that I've ever had.

20 Q. So for you personally you enjoyed the cyber
21 classes?

22 A. Oh, yes.

23 Q. And it reflected in your grades?

24 A. Uh-huh.

1 MS. LAUGHLIN: Yes?

2 THE WITNESS: Yes. Sorry.

3 BY MS. JORDAN:

4 Q. So because you were getting good grades,
5 did that boost your confidence at all?

6 A. Oh, yeah.

7 Q. And also attending school online you're not
8 interacting with other students, correct?

9 A. Yes.

10 Q. So you didn't have to worry about dealing
11 with [REDACTED]; would that be fair?

12 A. Yes.

13 MS. LAUGHLIN: Objection to the
14 form. You're leading with all your
15 questions.

16 MS. JORDAN: I'm cross-examining
17 her.

18 MS. LAUGHLIN: It's a deposition.

19 MS. JORDAN: Yeah, I know. I
20 think I can, but --

21 BY MS. JORDAN:

22 Q. Did you -- strike that.

23 MS. JORDAN: Can you read back my
24 last question?

1 (At this time, the court reporter
2 read back from the record as was
3 requested.)

4 BY MS. JORDAN:

5 Q. Was there a downside of the attending cyber
6 school because you didn't have interaction with
7 other students?

8 A. I mean I didn't get to see my friends. I
9 didn't get the social life. I mean the one thing
10 that does get me -- and this isn't funny, but I
11 realize how much it has become a problem for me is
12 the fact that I don't know how to be around other
13 people. I don't know how to interact comfortably
14 around other people depending on like that person.
15 I feel like you could walk up to a person and like
16 know how to handle yourself around a person. I
17 don't know how to do that in a confident way. Like
18 you saw me walking in here and I was all cow legged
19 and wobbly legged. I just don't know how to
20 interact with people, but yeah.

21 Q. So when you did -- strike that. When you
22 were in 11th grade and things shut down were you
23 still able to do horsing?

24 A. Yes. I was actually still working at

1 Sally's full time at that point.

2 Q. And when you work at Sally's do you have
3 the opportunity to interact with other horse people?

4 A. No, not really, because I was doing -- I
5 was doing a lot of work, so I was really only there
6 interacting with Sally, her husband and the horses
7 and her family, so that's pretty much about it.

8 Q. So despite not feeling confident to
9 interact with people you come upon, you have made
10 friendships with John, correct?

11 A. Yes.

12 Q. And you have made a relationship with Nick,
13 your boyfriend, correct?

14 A. Yes.

15 Q. Do you have any other people in your circle
16 of friends?

17 A. Actually my circle of friends is down to my
18 mom, my dad and Nick over the years. I don't --
19 when it comes to actually having different friends
20 and different friends from the ones that I trusted,
21 I don't really -- I can't really have any other
22 friends. Either they don't last long or stick
23 around or --

24 Q. How about through your job currently with

1 your dad, do you have an opportunity to meet people
2 and try to become friends with them?

3 A. I mean I meet customers, but they're like
4 grown ups and they're trying to get their like house
5 rebuilt, but it's not like it's -- it's not like
6 you're meeting friends. It's usually like just the
7 mother coming over and like trying to mom the little
8 girl at the job site, like that's about it. You
9 don't really get like friends.

10 Q. So would you like to have more friends?

11 A. I mean yeah. It would be cool. I didn't
12 even get to go to most of my dances, because I don't
13 really have friends like --

14 Q. Did you ever consider perhaps taking an
15 exercise class or a class through a community
16 college that's not a credit to try and meet people?

17 A. Yeah. For like maybe next year, I was
18 trying to see if I can maybe do some online courses
19 or something like that. Or maybe try to do
20 something to get me more out there like to try to
21 get friends, but I need that confidence in myself
22 first before to feel like, hey, I'm [REDACTED], nice to
23 meet you kind of thing.

24 Q. What about Nick, does Nick have a set of

1 friends that you've met through your relationship?

2 A. I mean we've met, but we're not friends.

3 It's like, okay, you work with my boyfriend and you
4 come around when you want to hang out, but then you
5 just go off and do your own thing then.

6 Q. Does Nick have any sisters?

7 A. His sister hates me.

8 Q. Okay. So that's not going to work?

9 A. Yeah.

10 Q. Okay.

11 A. I wouldn't even say she hates me, she just
12 pulls the sister thing once in a while.

13 Q. How about your own sister, are you close to
14 your sister?

15 A. I used to be, but not much anymore.

16 Q. Did something happen in your relationship
17 to change that?

18 A. I mean we're sisters, but we grew apart
19 over the years. There was a few bits of drama
20 between us, but then I just ended up having too much
21 on my plate where I just couldn't handle going over
22 to see her.

23 Q. Does your sister live in the area?

24 A. Probably about 30, 40 minutes away.

1 Q. From your home?

2 A. Uh-huh.

3 MS. LAUGHLIN: Yes?

4 THE WITNESS: Yes.

5 BY MS. JORDAN:

6 Q. I was provided some records of counseling
7 that you went to that I just want to ask you some
8 questions about. So does the name Tracy Miller ring
9 a bell?

10 A. My old counselor, yeah.

11 Q. And is she the psychologist you couldn't
12 remember or counselor?

13 A. Therapist. She was a therapist. The
14 psychologist was a male. I don't remember his name.

15 Q. Okay. And I have records from her dated
16 May 2018 through December 2018; do you have a
17 recollection of seeing her longer than that
18 timeframe?

19 A. No. I pretty much saw her and then she
20 recorded everything.

21 Q. Do you have a recollection of how you came
22 to treat with her?

23 A. My mom was kind of looking for a new
24 therapist for me to go to and she found Tracy.

1 Q. Okay. Her notes indicate that you were
2 diagnosed with major depressive disorder; were you
3 aware of that?

4 A. No.

5 Q. Do you know where that diagnosis came from?

6 A. Probably, yeah.

7 Q. Where do you think it came from?

8 A. I can tell you the sixth grade incident
9 started it. And then it came over with the whole
10 sixth grade and then watching the follow up with my
11 family with that and kind of my family's down spiral
12 for that one.

13 Q. Do you recall seeing a psychiatrist at some
14 point between the sixth grade incident and May of
15 2018 where that could have been diagnosed?

16 A. No.

17 Q. Okay. And the records indicate that you
18 were smoking; are you still a smoker?

19 A. I mean I'm not really that much of a smoker
20 anymore. If anything, I vape here and there once in
21 a while, but it's not something that I'm doing as
22 like, oh, I'm a teenager. Look, I'm cool. It's
23 that I didn't want to be drinking alcohol in school
24 and I didn't want to be doing anything else worse

1 and I wanted to give my mom a child to wake up to in
2 the morning, so --

3 Q. In the first note, which is May 7th of
4 2018, it indicates that you told Ms. Miller that you
5 were self-harming, that you were cutting yourself
6 and that it begun about three months before, which
7 would bring us to February of 2018?

8 A. Uh-huh.

9 Q. Was there something that occurred
10 specifically in February of 2018 that led you to
11 cutting yourself?

12 A. That's ninth grade, right?

13 Q. I believe you would have been in ninth
14 grade, yes.

15 A. Ninth grade was really, really rocky for
16 me. I was -- between the teachers that were giving
17 me issues at North Montco, which -- yes, they were
18 great teachers, but I had a few of my own personal
19 issues with some. And then between just being a
20 teenager and just dealing with ninth grade and
21 dealing with all the PTSD stuff, it's just -- kind
22 of with one on the other I was just trying to like
23 ease my pain, so I did that. It wasn't the best,
24 but --

1 Q. And did you ever cut yourself that you
2 needed to go to an emergency facility and get
3 sutures or get medical attention?

4 A. No, but I got very close when I ended up
5 cutting my neck, so --

6 Q. And what did you cut your neck with?

7 A. Oh, a piece of glass.

8 Q. And where did you get the glass?

9 A. After I broke -- I broke or punched a
10 mirror --

11 THE COURT REPORTER: I'm sorry?

12 THE WITNESS: I punched a mirror
13 when it broke and then I just got pissed.

14 BY MS. JORDAN:

15 Q. Did that happen in your home?

16 A. Yes.

17 Q. Do you remember a timeframe of when that
18 happened?

19 A. Probably during -- after I stopped seeing a
20 therapist for a little bit.

21 Q. Did you require medical attention because
22 of that?

23 A. No.

24 Q. Do you have any scarring from that?

1 A. Not anymore. I used to have like faint
2 lines up and down my arms and stuff from the
3 self-harm marks, but --

4 Q. Before confiding in Ms. Miller that you
5 were self-harming, did you tell anyone else?

6 A. Only two people found out, because they
7 would see -- I would accidentally have a sleeve too
8 far up. Or the one my friend -- I turned my neck a
9 little too far and she caught the one on my neck and
10 told me to go into the nurse's office and then
11 drenched it with alcohol, so --

12 Q. And was that in ninth grade?

13 A. Yes.

14 Q. So was that when you were attending North
15 Montco full time?

16 A. Yes.

17 Q. Did the nurse ask any questions about it?

18 A. He knew I was having some issues. And the
19 one thing with him was he never wanted to pressure
20 students into coming into his office when they're
21 having an issue, especially when he knows that it
22 could be something like that. So Maria kind of came
23 in and he was like turn around and he just kind of
24 went yep. Then she was like where are your alcohol

1 pads and he just starting helping me out.

2 Q. And you indicated that you were having
3 issues with PTSD; you're referring to post traumatic
4 stress disorder, correct?

5 A. I don't know if like -- like I'm not trying
6 to self-diagnosis myself, but I wouldn't be
7 surprised if I did have it.

8 Q. And that's what I was going to ask, did
9 anyone tell you that you had that?

10 A. No. But like most of the people, even like
11 the therapist kind of even said like off to the side
12 like I wouldn't be surprised if you had PTSD kind of
13 thing like --

14 Q. And at that time you did indicate that you
15 did have suicidal ideation at that time, that you
16 were thinking of harming yourself to that point; do
17 you recall that?

18 A. I mean I would always think about it, but
19 the one thing was that I would never want to leave
20 my nephew without an aunt or I would never want to
21 leave my parents without a daughter.

22 Q. And who is your nephew, whose child is
23 that?

24 A. That my sister's.

1 Q. And how old is your nephew?

2 A. He's eight.

3 Q. And what's his name?

4 A. His name is James.

5 Q. And do you have a good relationship with
6 James?

7 A. Uh-huh.

8 MS. LAUGHLIN: Yes?

9 THE WITNESS: Yes.

10 BY MS. JORDAN:

11 Q. So you would never want to leave him, you
12 enjoy him; am I right from your testimony?

13 A. Yeah. And to be honest, I've seen what
14 suicide can do to people and it's not -- the
15 temporary fix isn't worth -- or like the permanent
16 fix is not worth it for that temporary issue, like
17 it's not -- most kids do that and that's not cool.
18 The one thing that sucks is that I know what that
19 feels like and I'm still living through it, like I
20 lived through with knowing what that feels like.

21 Q. Did someone that you knew commit suicide?

22 A. My sister almost did.

23 Q. And do you know when that happened?

24 A. When I was really young she had to be aired

1 to CHOP.

2 Q. Did you ever discuss it with her?

3 A. No.

4 Q. I'm sorry to hear that.

5 A. That's okay.

6 Q. So in the notes it indicates that Ms.
7 Miller wanted to refer you for a psychiatric
8 evaluation; do you know if that occurred in 2018?

9 A. It happened for a little bit. My sister
10 took me to the psychiatrist. Then he said I had to
11 get meds and that's where it kind of dropped off
12 where I didn't go back.

13 Q. When he prescribed medication were you
14 taking it?

15 A. I never got to the meds part. He just said
16 you need meds and that's as far we got.

17 Q. So would I be correct that you've never
18 taken a prescription for anxiety or depression?

19 A. Yes, you are correct.

20 Q. There's a note -- well, there are certain
21 mentions throughout the notes that you were having
22 family stress; would that be accurate?

23 A. Yes.

24 Q. And then there is a note specifically on

1 August 20th of 2018 that you discussed with Ms.
2 Miller that you were thinking of spending a week
3 with your sister just to get away because of the
4 stress with your parents?

5 A. Uh-huh.

6 Q. Did that take place?

7 A. Yeah. I ended up living over at my
8 sister's for a little bit, but -- yeah. A whole
9 week away from my parents to my sister's place.

10 Q. And did James live with your sister at that
11 time?

12 A. Yes.

13 Q. So you got to spend time with him as well,
14 correct?

15 A. Yes.

16 Q. Do you have a recollection of how much time
17 you spent living with your sister during your ninth
18 grade into tenth?

19 A. A little bit. Not that much though.

20 Q. Was there a time after ninth or tenth grade
21 -- from ninth going into tenth that you lived with
22 your sister for any period of time?

23 A. Not ninth into tenth, but 11th and 12th I
24 did live with them for a while.

1 Q. Could you approximate for how long you
2 lived with her?

3 A. Probably -- I want to say like five, six
4 months.

5 Q. Was that after the COVID shutdown?

6 A. Yes.

7 Q. Was it immediately after the shutdown?

8 A. Kind of. It wasn't really like -- it was a
9 thing that was in the air, but it didn't exactly
10 shut down yet.

11 Q. And why did you choose to live with your
12 sister for approximately six months?

13 A. It wasn't planned for six months. I was
14 just going through some issues and I just needed
15 some space from my parents for a little bit, because
16 at the time my parents were a little hard to handle,
17 but --

18 Q. Was it as long as -- strike that. Did you
19 stay at your sister's for as long as you did -- was
20 any of that related to COVID or was it just you
21 wanting to be away from your family home?

22 A. It was just me wanting to be away from the
23 stress and just having my sister and being able to
24 be like me and stuff and having the house to myself

1 most of the time, so it was just kind of quiet.

2 Q. During the COVID shutdown when you were
3 living with your sister, did you also see your
4 parents?

5 A. Once in a while. Not really that much, but
6 yeah.

7 Q. Okay. There's an indication in the records
8 in October, specifically October 29th of 2018, that
9 you discussed with Ms. Miller that you felt
10 threatened at home of physical violence from your
11 mom; what does that refer to?

12 A. My mom -- okay. So my sister has a history
13 of cutting and my mom was always scared that I would
14 turn into her. So when she found out I was cutting
15 for the first time she wanted to reprimand me by not
16 doing it -- or by not making me want to do it again
17 and she takes out my metal riding belt and she
18 picked up a two-by-four and said pick which one. I
19 was able to talk her out of that, but that was that.

20 Q. So at that point in time did you physically
21 feel threatened that your mom would harm you?

22 A. I mean if I couldn't talk her out of it I
23 would have. That was not a threat, that was a
24 promise moment, but yes.

1 Q. And you specifically asked Ms. Miller to
2 call social services.

3 A. Okay. The one thing I did not say is -- I
4 did not ask, but I did -- or I said I may -- like an
5 up to you type of thing. Like, dude, whether you
6 think I'm in enough harm what from you've heard, if
7 you want to call social services, that is your
8 professional opinion type of things, but I'm not
9 going to tell you whether or not to do it kind of
10 thing.

11 Q. But you are aware Ms. Miller did call
12 social services?

13 A. Oh, yeah. I was aware of that once my mom
14 told me, yep.

15 Q. And then social services got involved and
16 did you have to give an interview?

17 A. No. Because that's when we dropped the
18 therapist, dropped the psychiatrist and dropped all
19 of that.

20 Q. Okay. Have you stopped cutting yourself?

21 A. Yes.

22 Q. When is the last time you believe you cut
23 yourself?

24 A. Probably tenth grade.

1 Q. The last report of Ms. Miller, which was
2 from December of 2018, you advised her that you were
3 using your Adderall at times to stay up late; do you
4 recall saying that to her?

5 A. Yeah. I would get frustrated with myself
6 and stuff and I wouldn't be able to sleep, so I
7 would pop an Adderall or two and start cleaning my
8 room.

9 Q. And did you stop doing that?

10 A. Yes. I've cleaned myself up a lot since
11 tenth grade?

12 Q. There's also records from a Blue Bell
13 Mental Health and a Sean Homsher?

14 A. Yeah.

15 Q. Do you remember when you saw him, what
16 year?

17 A. Yeah. That was when I was working with
18 Sally, so about a year ago.

19 Q. So that would have been in 2020?

20 A. Yes.

21 Q. Okay. And you confided in him the
22 molestation when you were five and then the
23 inappropriate touching by [REDACTED], correct?

24 A. Yes.

1 Q. And you confided in him that you felt as
2 though people let you down?

3 A. Yes.

4 Q. And that would be the school district,
5 correct?

6 A. Yes.

7 Q. Did you feel anyone else let you down other
8 than the school district?

9 A. I mean just the school district, teachers.
10 I just don't trust authorities. It's not even that
11 I want to be disrespectful and not trust them. I
12 just don't trust what their endgame is kind of thing
13 and like -- yeah. I don't know. I just -- between
14 that and -- I don't know. Just the school district
15 basically.

16 Q. There's three visits to Sean, one in May,
17 one in June 2020 and then one in July of 2020; do
18 you believe you may have seen him more than that or
19 do you agree that you possibly saw him on three
20 occasions?

21 A. I would say maybe if I did see him more
22 than that, that it was probably because my boss got
23 me mad and he was literally on the same side as my
24 job, so I just kind of got to drive a golf cart to

1 go down to see him, so probably, yeah, three or
2 five.

3 Q. So Sean is associated with the foundation
4 that you work for?

5 A. Yes.

6 Q. Okay. When you saw Sean, was he doing that
7 because you work at the foundation or were you
8 seeking help at the time and it was paid through
9 some type of insurance?

10 A. I was seeking help at the time. And one of
11 the ways Sally was just helping me out was like
12 giving me -- one of the benefits of working for her
13 was having Sean as a therapist right there and I was
14 able to go over there whenever I was having a bad
15 day or something.

16 Q. Okay. And would I be correct that you
17 haven't seen anyone in 2021 with regards to a
18 therapist?

19 A. Correct.

20 Q. And do you have plans to see a therapist in
21 the future?

22 A. Yes.

23 Q. And would you like to see a therapist on a
24 regular basis, is there something in particular you

1 want to talk to them about?

2 A. I mean like just kind of -- I don't know --
3 probably getting through half the stuff I haven't
4 processed -- I don't know -- maybe once a week or
5 something. When it comes to therapy -- even
6 therapists I get questionable around.

7 Q. Since you were separated from [REDACTED] in
8 tenth grade, would I be correct that you didn't have
9 any interaction with him during your 11th grade
10 year?

11 A. Correct.

12 Q. And would I be correct that you didn't have
13 any interaction with him in your 12th grade year?

14 A. Correct.

15 Q. And since graduating you haven't had any
16 interaction with him, correct?

17 A. Correct.

18 Q. Currently, how are you feeling in regard to
19 anxiety about those instances where he
20 inappropriately touched you?

21 A. I mean when it comes to my anxiety, it's
22 just -- nothing can change what happened. To be
23 honest, my anxiety is probably -- or my anxiety
24 because of that sucks. Like I don't trust men

1 around me. I don't trust like -- like if a man --
2 if a man like comes up behind me and I don't know
3 them or I don't sense them and then they touch me
4 all of a sudden and I don't know that someone is
5 behind me, I almost end up swinging before I think
6 kind of thing, because it's like get away from me --
7 it's that like fight or flight kind of thing. It's
8 like get away from me. And then I realize, oh, no,
9 I just did that. Oh, well. It's just -- I don't --
10 after that whole situation -- I don't know. It just
11 gave me a lot of trust issues and stuff after that.

12 Q. Do you have trust issues with your current
13 boyfriend Nick?

14 A. I mean if I get into one of my mood swings
15 where I get angry and upset or something like that
16 and it's -- it brings back like feelings that I used
17 to have like during that. When I would get angry at
18 myself and like -- I don't know. When I get angry
19 it's almost a triggering feeling for every time that
20 I've gotten angry, because I've gotten angry so many
21 times and like that feeling is just like -- I don't
22 know.

23 Q. Have you been able to talk to Nick about
24 your experiences?

1 A. Yeah. Like we talk about it all the time.
2 I can go up to him and talk about the subject all
3 the time. It's just almost like when -- or like
4 when you talk about it more it makes it more real
5 kind of thing and then like -- and then you actually
6 have to really think about -- you know, fix it and
7 stuff, but, yeah, I can pretty much talk about it
8 with him whenever I want.

9 Q. So in regard to your current job working
10 with your dad, do you enjoy that?

11 A. Yes. It's really fun.

12 Q. Do you plan to stay with him in the job?

13 A. I mean I would definitely love to work with
14 him and stuff like that and definitely if like one
15 day he has to retire and he's like can you take over
16 the company, that would be cool, but like -- it
17 would be really fun to run the company.

18 Q. So currently you plan on staying with your
19 dad and with his company and working to one day
20 perhaps take it over?

21 A. Yeah.

22 Q. Well, I really appreciate your time. I
23 have no further questions, but I do appreciate all
24 your time and for you being so honest with me.

1 Thank you.

2 A. Of course. I appreciate your time too.

3 MS. LAUGHLIN: No questions.

4 (Witness excused.)

5 (Deposition concluded at

6 1:07 p.m.)

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1 CERTIFICATION

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4 I, James J. Gallagher, Jr.,
5 Professional Court Reporter and Notary
6 Public, do hereby certify that the
7 foregoing is a true and accurate transcript
8 of the stenographic notes taken by me in
9 the aforementioned matter.

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20 DATE:

21 _____
22 James J. Gallagher, Jr.

23 Court Reporter
24

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EXHIBIT “C”

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
NO. 2:20-CV-05142

JANE DOE,)	DEPOSITION UPON
)	
Plaintiff,)	ORAL EXAMINATION
)	
- vs -)	OF
)	
NORTH PENN SCHOOL)	
DISTRICT,)	
)	
Defendant.)	
- - - - -)	

TRANSCRIPT OF DEPOSITION,
taken by and before JAMES J. GALLAGHER, JR.,
Professional Reporter and Notary Public, at
FREIWALD LAW, 1500 Walnut Street, 18th Floor,
Philadelphia, Pennsylvania, on Tuesday,
November 2, 2021, commencing at 1:28 p.m.

ERSA COURT REPORTERS
30 South 17th Street
United Plaza - Suite 1520
Philadelphia, PA 19103
(215) 564-1233

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WITNESS

PAGE

[REDACTED] [REDACTED]

By: MS. JORDAN

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EXHIBITS

NUMBER DESCRIPTION MARKED ATTACHED

(NO EXHIBITS WERE MARKED.)

- - -

1 PROCEEDINGS

2
3 (By agreement of counsel,
4 the signing, sealing, filing, and
5 certification of the transcript have been
6 waived; and all objections, except as to
7 the form of the question, have been
8 reserved until the time of trial.)
9

10 [REDACTED] after
11 having been duly sworn, was examined and
12 testified as follows:
13

14 BY MS. JORDAN:

15 Q. Good afternoon, Wendy. My name is Maureen
16 Jordan and I represent the school district in regard
17 to the lawsuit filed by your daughter. Have you
18 ever given deposition testimony before?

19 A. Yes.

20 Q. Do you recall in what circumstances you
21 previously gave deposition testimony?

22 A. A slip and fall in a property management.

23 Q. And were you a witness or were you one of
24 the parties?

- 1 A. I represented the owner.
- 2 Q. And was that for your employment?
- 3 A. Yes.
- 4 Q. And are you still employed with that
- 5 entity?
- 6 A. No.
- 7 Q. So you're familiar with the process. I'm
- 8 just going to go over some rules that I'm going to
- 9 ask you to follow. Please listen to my question and
- 10 give a verbal response when you do respond. Often
- 11 times we nod our head, which I understand what
- 12 you're saying, but we also need a verbal response;
- 13 do you understand that?
- 14 A. Yes.
- 15 Q. If I ask you a question and you don't
- 16 understand my question because of the way I phrased
- 17 it, let me know and I will rephrase it until you do
- 18 understand it; do you understand that?
- 19 A. Yes.
- 20 Q. If I ask you a question and you simply
- 21 don't know the answer or you can't remember the
- 22 answer, that's fine, I don't know want you to guess
- 23 at anything; do you understand that?
- 24 A. Yes.

1 Q. Okay. Are you currently taking any type of
2 medication or suffering from any illness or
3 infirmity that would prevent you from understanding
4 my questions and answering to the best of your
5 ability?

6 A. No.

7 Q. Also, before we start, I just want to say
8 that I know this will be difficult, because I'm
9 going to be asking you questions relating to your
10 daughter's trauma from what happened at the school
11 district. It's not my intention to upset you, it's
12 not my intention to embarrass you, to humiliate you,
13 to do anything other than -- I have to ask these
14 questions to do my job. I just wanted to say that
15 to you personally. If you need to take a break for
16 any reason, that's fine. You're entitled to take a
17 break, just let me know and you can step out of the
18 room; do you understand that?

19 A. Yes.

20 Q. Can you state your full name please?

21 A. [REDACTED] Jane [REDACTED]

22 Q. And [REDACTED] is your married name,
23 correct?

24 A. Correct.

- 1 Q. And is James your maiden name?
- 2 A. Jane is my middle name.
- 3 Q. What is your maiden name?
- 4 A. My maiden name is Stark, S-T-A-R-K. I was
- 5 married one time briefly. That name is [REDACTED]
- 6 A-B-A-D. [REDACTED] is my current last name.
- 7 Q. What is your date of birth?
- 8 A. [REDACTED]
- 9 Q. Currently, how old are you?
- 10 A. Fifty-four.
- 11 Q. Do you reside in Lansdale on Garfield
- 12 Street?
- 13 A. Yes.
- 14 Q. And [REDACTED] said that she's lived there all
- 15 of her life and that's the family home; would you
- 16 agree with that?
- 17 A. Yes.
- 18 Q. How long have you lived at that address?
- 19 A. Twenty-one years.
- 20 Q. And she said that she lived with you and
- 21 your husband; is that accurate currently?
- 22 A. Yes.
- 23 Q. She also said she has siblings. She has a
- 24 sister and a brother?

1 A. Yes.

2 Q. Are they your only children, the three,

3 [REDACTED] your daughter and your son Cory?

4 A. Cody.

5 Q. Cody. Sorry.

6 A. He is my stepson.

7 Q. Okay. So Olivia -- is that her name?

8 A. Who?

9 MS. LAUGHLIN: [REDACTED]

10 MS. JORDAN: I'm sorry.

11 BY MS. JORDAN:

12 Q. [REDACTED] is your child with your first

13 husband, correct?

14 A. Yes.

15 Q. And then Cody is a child your current

16 husband had -- was he married previously as well?

17 A. He was not married, but in a relationship,

18 yes.

19 Q. Okay. And [REDACTED] is your child together?

20 A. Correct.

21 Q. Does your husband have any other children?

22 A. No.

23 Q. Okay. And how long have you and your

24 current husband been married?

1 A. Eighteen years.

2 Q. Are you currently employed?

3 A. Yes.

4 Q. Where do you work?

5 A. The company name is Bonaventure Realty.

6 Q. What do you do Bonaventure Realty?

7 A. I sell real estate.

8 Q. From that answer, am I correct you are a

9 licensed real state agent in the commonwealth?

10 A. Yes.

11 Q. For how long have you worked at Bonaventure

12 Realty?

13 A. One year.

14 Q. And for how long have you been a licensed

15 real estate agent?

16 A. Eleven years.

17 Q. Prior to working at Bonaventure Realty,

18 were you employed somewhere else?

19 A. Yes.

20 Q. Where were you employed?

21 A. I've been in commercial property management

22 for 25 years. So before that I worked for Newmark.

23 What are they now?

24 MS. JORDAN: Off the record.

1 (At this time, a discussion was
2 held off the record.)

3 THE WITNESS: So Newmark, Knight,
4 Frank is the new name for them. Prior to
5 that, I was with Onyx Equity. Before that,
6 CBRE. Before that, Acorn Development.
7 With the recession and everything going
8 crazy and losing buildings --

9 BY MS. JORDAN:

10 Q. Sure. I bet. And being in commercial
11 property management, you would oversee specific
12 portfolio or a property; would that be correct?

13 A. That is correct.

14 Q. Okay. In regard to your daughter [REDACTED]
15 am I correct that she started at Gwynedd Square
16 Elementary for kindergarten?

17 A. Yes.

18 Q. And do you recall when it was determined
19 that she had AD/HD?

20 A. Are you asking me what year, what grade she
21 was in?

22 Q. Yes, if you remember.

23 A. Second grade.

24 Q. Okay. And her recollection was her

1 pediatrician Dr. Bandi diagnosed that; is that your
2 recollection?

3 A. Dr. Bandi started the process. She wanted
4 input from the collective, day care, home, school
5 and the physician. It was a combined effort.

6 Q. Okay. And when she was diagnosed with
7 AD/HD she recalled being placed on a medication that
8 didn't work out prior to her being prescribed
9 Adderall; do you agree with that recollection?

10 A. Yes.

11 Q. Now, when she was diagnosed with AD/HD in
12 second grade she was entitled to an IEP, correct?

13 A. Correct.

14 Q. And that process began at Gwynedd Square,
15 correct?

16 A. Correct.

17 Q. And you as her mom would be part of the IEP
18 and making sure that it was meeting your daughter's
19 needs; would that be correct?

20 A. Correct.

21 Q. Now, when did you become aware of [REDACTED]
22 [REDACTED] as a student at Gwynedd Square Elementary?

23 A. In April of sixth grade.

24 Q. And how did you become aware that he was a

1 student at the same elementary school as [REDACTED]

2 A. I received a telephone call from the
3 principal and the guidance counselor.

4 Q. And were they on a joint call or were they
5 separate calls?

6 A. They were in the room together and called
7 me on speaker phone.

8 Q. And who was the principal, if you remember?

9 A. William Bowen.

10 Q. And who was the guidance counselor, if you
11 remember?

12 A. Kristin Vaszily.

13 Q. Prior to receiving that call in April when
14 [REDACTED] was in sixth grade, had you ever had any
15 interaction with Mr. Bowen, the principal?

16 A. I believe so, that school year earlier in
17 the year.

18 Q. And do you remember how you came to have
19 that interaction?

20 A. [REDACTED] was having some behavioral issues.

21 Q. Do you recall what they were?

22 A. There was one incident on the bus with a
23 third grader.

24 Q. And what about Ms. Vaszily, had you ever

1 had interaction with her prior to that phone call?

2 A. Absolutely.

3 Q. And was she part of [REDACTED] IEP team?

4 A. Yes.

5 Q. When they called you what did they tell
6 you?

7 A. They informed me that a student had come
8 forward with a claim of being assaulted by another
9 student and that during the course of the
10 investigation [REDACTED] name was brought up into it
11 as also being someone that was assaulted.

12 Q. And when you received that call how did
13 that make you feel?

14 A. I dropped to my knees. I started crying.
15 I told them that I would be there. On my way I
16 called my husband and tried to get to the school
17 carefully without causing an accident. I was
18 devastated.

19 Q. And would I be correct that you had never
20 heard of [REDACTED] [REDACTED] prior to receiving that phone
21 call?

22 A. Yes.

23 Q. And when you got to the school did you meet
24 with the principal and Ms. Vaszily?

1 A. Yes.

2 Q. And what do you recall about that meeting?

3 A. Kris was sitting off to the side of the
4 desk. Mr. Bowen was sitting at his desk and he
5 recounted to us the events that were brought to his
6 attention, that [REDACTED] name was brought up in the
7 investigation, that she was also assaulted and that
8 teachers had witnessed the event six months ago and
9 did not report it.

10 Q. And when you learned that information how
11 did that make you feel?

12 A. Very angry.

13 Q. From your testimony, would I be correct
14 that [REDACTED] never told you about the incident that
15 had occurred in November of 2014 prior to you
16 learning about it in April from the school?

17 A. The incident occurred in October, not in
18 November of that year for correction.

19 Q. Okay. And how do you know that it occurred
20 in October?

21 A. That is what the school informed us of the
22 date.

23 Q. Okay. Now, through the litigation I've
24 learned that [REDACTED] was molested when she was five

1 years old; is that correct?

2 A. That is correct.

3 Q. And [REDACTED] indicated that it was a next
4 door neighbor, a teenage boy, who had molested her;
5 is that correct?

6 A. That is correct.

7 Q. [REDACTED] indicated that there was some type
8 of court proceeding where she would have testified,
9 but then didn't have to testify; was that accurate?

10 A. Yes.

11 Q. And was that in regard to criminal charges
12 brought against the gentleman?

13 A. Yes.

14 Q. And as a result of the criminal charges, do
15 you know if he pled guilty or if there was an actual
16 hearing or trial where he was found guilty?

17 A. He took a plea deal five minutes before we
18 walked into the courtroom.

19 Q. And then it's my understanding from
20 paperwork in the file that your older daughter was
21 also molested by him; is that accurate?

22 A. That was not on record anywhere.

23 Q. Okay. Somehow I knew it, but I thought it
24 was in paperwork, but is that accurate or not

1 accurate?

2 MS. LAUGHLIN: Do you know?

3 Let's go off the record for a second.

4 (At this time, a discussion was
5 held off the record.)

6 BY MS. JORDAN:

7 Q. So that happened when she was five, so was
8 she in kindergarten at the time?

9 A. She was not in school yet, no.

10 Q. When she started school at Gwynedd Square,
11 was anyone given that information when she first
12 started school?

13 A. Yes.

14 Q. Who was given that information to your
15 knowledge, to your recollection?

16 A. Kristin Vaszily.

17 Q. And was Ms. Vaszily to be the go to person
18 in assisting your daughter if any issues came up
19 because of that past experience?

20 A. Yes.

21 Q. As [REDACTED] progressed through school at
22 Gwynedd Square, was anyone else advised of that
23 other than Ms. Vaszily?

24 A. Yes.

1 Q. Who else was told to your recollection?

2 A. Every teacher that she had from
3 kindergarten to fifth grade were told.

4 Q. And when you say every teacher, would it be
5 -- when you first start elementary you only have one
6 teacher.

7 A. Correct.

8 Q. So in first, second and third grade she
9 only had one teacher.

10 A. Correct.

11 Q. So would it be that teacher that would also
12 be told?

13 A. Yes.

14 Q. Then she couldn't remember if fourth grade
15 they changed classes, but in fifth and sixth they
16 did to her recollection; would you be telling all of
17 the teachers or just like the home room teacher?

18 A. So we told the primary teachers from
19 kindergarten to fifth -- fourth -- I thought it was
20 into fifth that we shared that information as well,
21 but when they started changing classrooms we kind of
22 depended on Kristin to give us any guidance that we
23 needed at that point in time.

24 Q. Okay. Would Kristin Vaszily meet with your

1 daughter on a regular basis through the school year
2 to see how she was doing to your knowledge?

3 A. I was not privy to that information.

4 Q. Okay. When your daughter began school was
5 she told that Ms. Vaszily was her go to person if
6 anything upset her?

7 A. I don't remember if there was a specific
8 conversation.

9 Q. Once she was diagnosed with the AD/HD and
10 provided an IEP she was also provided a case
11 manager, correct?

12 A. Yes.

13 Q. And did you give any information to the
14 case manager regarding that trauma from when she was
15 five?

16 A. Not in the beginning, no.

17 Q. And in fifth grade Holly Andrews was her
18 counselor; do you agree with that? I'm sorry. Not
19 her counselor. I'm sorry. Her case manager in
20 regard to the IEP?

21 A. Yes.

22 Q. And she then was also her case manager when
23 she started sixth grade, correct?

24 A. I believe that to be the case, yes.

1 Q. And am I correct that once the IEP started
2 you would have at least a pre-start of school
3 meeting with her team, which would include the case
4 manager and then an end of school meeting; is that
5 accurate?

6 A. It was usually after school started.

7 Q. Okay.

8 A. And then again at the end of the year, yes.

9 Q. Okay. And that gave you an opportunity to
10 address any concerns you had regarding the school
11 plan for your daughter, correct?

12 A. Correct.

13 Q. And then if you had any issues during the
14 year you could contact the school regarding her IEP,
15 correct?

16 A. Correct.

17 Q. In April when you found out about the
18 incident and went to the school and spoke to Ms.
19 Vaszily and the principal your husband was with you,
20 correct?

21 A. Correct.

22 Q. And they gave you the information that
23 teachers knew about it and didn't report it back in
24 the fall semester, correct?

- 1 A. Correct.
- 2 Q. Did they identify who the teachers were?
- 3 A. Yes.
- 4 Q. Who were the teachers to your knowledge?
- 5 A. Ruth Divers and Holly Andrews.
- 6 Q. And Ms. Andrews was her case manager,
- 7 correct?
- 8 A. I believe so.
- 9 Q. And Ms. Divers was a language arts teacher?
- 10 A. I don't know what her role was.
- 11 Q. Okay. After learning of this information,
- 12 what was the next step or what did you ask at that
- 13 meeting was going to be the next step, if you asked
- 14 that?
- 15 A. I asked how the boy [REDACTED] was going to be
- 16 dealt with. I asked how the teachers -- if they
- 17 were going to face any disciplinary action.
- 18 Q. And what were you advised at that time?
- 19 A. They told me that they had to go through HR
- 20 in the district.
- 21 Q. And what was your understanding of what HR
- 22 in the district was?
- 23 A. Human resources.
- 24 Q. I mean, did give you any more information

1 as to what that meant?

2 A. No.

3 Q. Was Kids Peace or the police department

4 contacted to your knowledge?

5 A. By whom?

6 Q. By the school?

7 A. I'm not aware of what they did.

8 Q. Did you contact the police?

9 A. Correct.

10 Q. And who did you contact in particular, if

11 anyone?

12 A. Ted Kiello of the Upper Gwynedd Police

13 Department.

14 Q. And [REDACTED] advised that he was the same

15 police officer that interacted with her in regard to

16 the trauma when she was five years old; is that

17 correct?

18 A. Yes.

19 Q. Is that why you called him specifically?

20 A. He was an officer I was familiar with and I

21 didn't know what to do.

22 Q. I didn't know if you chose him because he

23 was familiar with your daughter and that was a plus;

24 did that come into play? Or was he just -- you knew

1 him so you called him?

2 A. I knew him so I called him.

3 Q. Okay. When you called him were you at the
4 school or had you left the school?

5 A. I don't remember.

6 Q. What, if anything, did he do in regard to
7 the allegations about [REDACTED] [REDACTED] to your
8 knowledge?

9 A. He advised me that he was going to look
10 into it.

11 Q. Do you know what that meant?

12 A. I don't know for certainty. I was assuming
13 he would be speaking to those at Gwynedd Square,
14 because Gwynedd Square falls in Upper Gwynedd
15 Township.

16 Q. Did he come and interview your daughter?

17 A. No.

18 Q. To your knowledge, he never spoke to

19 [REDACTED]

20 A. I don't believe so.

21 Q. Did you relay to him what occurred to

22 [REDACTED]

23 A. Yes.

24 Q. After you learned of what had occurred to

1 [REDACTED] when you left did you then speak to [REDACTED]
2 about it?

3 A. Yes.

4 Q. What do you recall [REDACTED] telling you about
5 the incident?

6 A. She did not disclose much.

7 Q. How did her demeanor seem when you asked
8 her about it?

9 A. Very withdrawn.

10 Q. Did you ever contact [REDACTED] [REDACTED] family
11 regarding the allegations?

12 A. No.

13 Q. Other than the principal and Ms. Vaszily
14 telling you that HR for the school district was
15 going to look into it, did you have any further
16 conversation with them regarding what that meant?

17 A. The only other conversation that I had with
18 that was with Dr. Betty Santoro when I asked her
19 what had happened to the teachers that did not
20 report it.

21 Q. And how did you come to have a conversation
22 with Dr. Santoro?

23 A. Because I showed up at the central office
24 and requested to speak to someone in charge for

1 elementary kids.

2 Q. Do you have a recollection as to when you
3 went to the school district building in relationship
4 to finding out about the incident?

5 A. Very shortly afterwards.

6 Q. From your answer, did you go there
7 unannounced to speak to someone or did you call
8 first and make an appointment, if you remember?

9 A. I went unannounced.

10 Q. And was Dr. Santoro the person that you
11 spoke to?

12 A. I spoke to her two times; one, I believe,
13 right after the incident and then at the end of the
14 year.

15 Q. And when you spoke to her originally after
16 learning of the incident what do you recall about
17 that conversation?

18 A. After the first?

19 Q. Your first visit, when you go to the school
20 district building and you want to talk to someone,
21 what do you recall the conversation entailing?

22 A. I was explaining to her what happened and I
23 was requesting that [REDACTED] get moved to a different
24 middle school to prevent her from going to school

1 with [REDACTED]

2 Q. Did you want that to happen right then
3 before the end of the year or were you asking for
4 the following year?

5 A. I was asking for the following year.

6 Q. Okay. So when it happened at the school,
7 that it came to light that [REDACTED] had physically
8 abused your daughter and others, was a plan put into
9 place to remove him from the classes these young
10 ladies were in?

11 A. I was informed that the school was taking
12 measures to protect the accusers, but they would not
13 go into detail about what was being done with
14 [REDACTED]

15 Q. Did you ask your daughter if she continued
16 to be in [REDACTED] class?

17 A. Yes.

18 Q. And what did she tell you?

19 A. She said no.

20 Q. So when you went to the school district
21 building shortly after learning of the incident you
22 told Dr. Santoro you wanted your daughter to go to a
23 different middle school so that she didn't have to
24 deal with [REDACTED] [REDACTED] going forward; would that be

1 accurate?

2 A. Yes.

3 Q. And what response did Dr. Santoro give you
4 if any?

5 A. She was very upset to hear about the
6 situation. She was very understanding of our
7 request to move [REDACTED] She said she would look
8 into it for us and get back to us.

9 Q. When you went to the school district
10 building and asked to speak to someone and Dr.
11 Santoro first approached you, did she have any
12 knowledge to your knowledge of the incident in
13 question?

14 A. I did not ask her that.

15 Q. Okay. Did Dr. Santoro get back to you?

16 A. I had to reach out to her two more times
17 before she responded to me.

18 Q. And when you did get in touch with her the
19 second time after reaching out twice what, if
20 anything, did she tell you in regard to transferring
21 your daughter to a different school than the school
22 she would have gone to, which I believe would have
23 been Penndale, correct?

24 A. Correct.

1 Q. What did she tell you?

2 A. She said she was waiting to talk to the
3 director of transportation and she also answered my
4 question about what was happening with the teachers.
5 Again, I was told that it was being handled by HR.
6 And then I did not hear back from her again until
7 mid-June.

8 Q. When you first went to the school district
9 building and had the conversation with Dr. Santoro
10 when you advised her that you wanted [REDACTED] to go to
11 a different school did you request any specific
12 school?

13 A. Pennbrook is the other closest middle
14 school to our house, so it was Pennbrook that I
15 requested.

16 Q. And that would have been convenient in
17 regard to geography if I understand your testimony,
18 that's why you said Pennbrook?

19 A. Correct.

20 Q. Okay. When she called you back after you
21 had to reach out twice and she told you that she was
22 waiting to talk to the director of transportation,
23 was that to arrange for bussing for [REDACTED] to
24 Pennbrook?

1 A. She had reached out to me via email and,
2 yes, she was trying to coordinate the bussing
3 schedule, but she still had not had approval yet on
4 the transfer of attendance.

5 Q. When she told you that HR was handling the
6 teacher issue, did she give you a reason why she
7 couldn't give you any more information?

8 A. No.

9 Q. Did anyone answer your question regarding
10 what discipline, if any, [REDACTED] [REDACTED] received?

11 A. No.

12 Q. To this date, do you know if he received
13 any discipline?

14 A. The only discipline I know is from what the
15 kids picked up when he wasn't in all the classes,
16 but I don't know for sure what happened with him.

17 Q. Okay. So you just know he wasn't in
18 classes with these girls anymore, but you didn't
19 know anything else?

20 A. Correct.

21 Q. When Dr. Santoro got back to you, I believe
22 you said mid-June, what did she advise you at that
23 point?

24 A. That the transfer of attendance was

1 approved and that they would be sending bussing for

2 [REDACTED]

3 Q. Prior to mid-June when Dr. Santoro
4 confirmed that your request to transfer to another
5 school was approved, had you had any conversation
6 with [REDACTED] about going to a different school?

7 A. I would say yes.

8 Q. And what were her feelings about going to a
9 different school?

10 A. She was very upset.

11 Q. And do you recall why she was upset?

12 A. She didn't want to leave her friends. She
13 felt that she was being punished for coming forward
14 or talking about what [REDACTED] had done.

15 Q. She then did attend seventh grade at
16 Pennbrook, correct?

17 A. Correct.

18 Q. And what is your recollection of her
19 experience in seventh grade at Pennbrook; was it
20 positive, negative?

21 A. It was horrible.

22 Q. And why was it horrible?

23 A. Because she didn't want to be there in the
24 first place. She was uprooted from her friends and

1 her social circles. It was extremely -- her social
2 anxiety had become so overwhelming that it was very
3 difficult for her to make friends and meet people.
4 She was very withdrawn and closed and it kind of put
5 a little bit of a target on her with middle school
6 girls that liked to pick on each other.

7 Q. In what way do you believe that put a
8 target on her?

9 A. She was a new girl that came into the
10 school that didn't have any friend basis. She
11 didn't know how to talk to anybody, so she was off
12 to the side. I think they took her as cool and
13 aloof. I don't know what made them think the way
14 they did, but it was not an easy transition for
15 [REDACTED] at all. It was horrible.

16 Q. [REDACTED] advised me that she had gotten into
17 horsing at that time; would you agree with that?

18 A. Yes.

19 Q. And she told me that she was interested in
20 horses because both you and her dad grew up with
21 horses; is that accurate?

22 A. Yes.

23 Q. And she thought it would be really cool to
24 have a relationship with a horse who she described

1 that the horse could be her best friend?

2 A. Uh-huh.

3 Q. So she indicated that -- I think she called
4 it horsing -- or you paid a fee to share ownership,
5 if you will, of a horse and a stable, that then she
6 was responsible for caring for?

7 A. Yes.

8 MS. LAUGHLIN: Leasing.

9 THE WITNESS: Leasing.

10 MS. JORDAN: I couldn't remember.

11 I'm sorry.

12 BY MS. JORDAN:

13 Q. And she said that she loved it and she just
14 wanted to spend more and more time with the horse
15 riding and taking care of it in the stable; is that
16 your recollection?

17 A. Yes.

18 Q. Do you think that her relationship with the
19 horse at the stable was a positive for her?

20 A. Absolutely.

21 Q. And she said that she continued with it
22 going into the next year as well as ninth grade; is
23 that accurate?

24 A. Correct.

1 Q. And that she still has a relationship with
2 horses, correct?

3 A. Yes.

4 Q. And she said that it was approximately a
5 half hour to 40 minutes away depending on where the
6 house was located. I think maybe it changed where
7 it was located; is that accurate?

8 A. Yes.

9 Q. And she said that you drove her?

10 A. Yes.

11 Q. So you were taking the time out to allow
12 your child to have this relationship, correct?

13 A. Yes.

14 Q. And she indicated that that is what her
15 extracurricular activity was, if you will, in middle
16 school; would you agree with that?

17 A. Yes.

18 Q. She then also attended the eighth grade at
19 Pennbrook, correct?

20 A. Correct.

21 Q. And how was eighth grade as compared to the
22 seventh grade?

23 A. The beginning was rocky, the middle got
24 better and towards the end we were seeing

1 improvement.

2 Q. So were there any instances that you can
3 recall in eighth grade that stand out as a negative
4 that you relate to the Gwynedd Square incident with
5 [REDACTED] [REDACTED]

6 A. The fact that she was even in that school
7 in the first place.

8 Q. And you would have rather no disruption,
9 that that incident didn't occur and she went on to
10 Penndale or that she would have been able to go on
11 to Penndale regardless of what happened at Gwynedd
12 Square; is that accurate?

13 A. I would have loved to see my child continue
14 her education unfettered by this event, yes.

15 Q. Now, when she was going into ninth grade
16 she wanted to attend on a part-time basis North
17 Montco Technical School, correct?

18 A. Correct.

19 Q. And she had an interest in automotive at
20 that time, correct?

21 A. Correct.

22 Q. And she indicated to me that she had an
23 interest in automotive through her dad and her
24 brother, because they detailed cars and also worked

1 on cars; is that accurate?

2 A. Correct.

3 Q. And I think she thought it would be cool
4 for a woman who is petite like she is to be able to
5 work on cars, correct?

6 A. Correct.

7 Q. And that she had to apply to go to North
8 Montco and she was approved, correct?

9 A. Correct.

10 Q. Prior to [REDACTED] applying to go to North
11 Montco Technical School, did you have any concern
12 that [REDACTED] [REDACTED] could potentially also be going to
13 that school?

14 A. I had concern when we left sixth grade and
15 I specifically said to Betty Santoro that we would
16 have to talk about high school, the fact that they
17 would run into each other. I wasn't 100 percent
18 worried about the tech school due to the fact that
19 the guidance counselor for each student has to
20 review and review their records. So I personally
21 thought that there would be something in the files
22 to keep the two of them apart.

23 Q. Okay. [REDACTED] started attending North
24 Montco in ninth grade, correct?

- 1 A. Correct.
- 2 Q. And she came home after attending in the
3 beginning and advised you that she saw [REDACTED]
4 correct?
- 5 A. She advised me by having a panic attack as
6 we walked in the back door.
- 7 Q. What back door are you walking in, to your
8 home?
- 9 A. The back door of our home, correct. She
10 got very upset.
- 11 Q. And she related to you that she saw [REDACTED]
12 at school?
- 13 A. Yes.
- 14 Q. And in relaying that to you it triggered a
15 panic attack?
- 16 A. She was already upset telling me about it.
17 She was so upset that she had to tell me about it.
- 18 Q. Okay. When you learned that [REDACTED] was
19 also at North Montco what, if anything, did you do?
- 20 A. I started making telephone calls.
- 21 Q. Do you recall who you called first?
- 22 A. No, I don't recall.
- 23 Q. Do you recall anyone you called?
- 24 A. Dawn LeBlanc.

- 1 Q. And Ms. LeBlanc was the principal of North
2 Montco, correct?
- 3 A. That is correct.
- 4 Q. Did you know her personally?
- 5 A. Not prior to that.
- 6 Q. Okay. And how did you know to call her or
7 why did you -- why was she one of the people you
8 called?
- 9 A. She was the principal of the school [REDACTED]
10 was attending.
- 11 Q. And what was your purpose in calling her?
- 12 A. To relay the situation as to what was going
13 on and it was past the hours for the central office
14 to get ahold of anyone at the central district.
- 15 Q. Did you call her office number or did you
16 look her up to see if you could catch her at her
17 house?
- 18 A. I called her office number.
- 19 Q. And did she answer?
- 20 A. No.
- 21 Q. Did you leave a message?
- 22 A. Yes.
- 23 Q. Did she get back to you?
- 24 A. The next day.

1 Q. And did you explain to her that your
2 daughter and [REDACTED] shouldn't be together in the
3 same school, class?

4 A. Yes.

5 Q. And did you ask whether she could prevent
6 [REDACTED] [REDACTED] from attending that school?

7 A. No.

8 Q. What did you ask, if anything?

9 A. I asked what procedures take place to make
10 sure that students that aren't supposed to be
11 together are not together.

12 Q. And what, if anything, did she say?

13 A. She said that they rely on the sending
14 schools to notify them of any potential issues and
15 that she was not notified of any potential issues
16 for either party.

17 Q. Did you then contact Pennbrook?

18 A. No. I started calling the central
19 district.

20 Q. So you called the central district
21 directly. Did you call Dr. Santoro?

22 A. That's where I started.

23 Q. And did you speak to Dr. Santoro?

24 A. I don't believe so. They referred me to

- 1 Deb McVay.
- 2 Q. And did you talk to her?
- 3 A. Yes.
- 4 Q. And what did you tell her?
- 5 A. Everything.
- 6 Q. And what, if anything, did she say?
- 7 A. She said she had to run it up the line and
- 8 then the next thing I was getting a phone call from
- 9 Carl Dietrich.
- 10 Q. Who is he to your knowledge?
- 11 A. The superintendent of North Penn School
- 12 District.
- 13 Q. And when he called you what do you recall
- 14 him telling you?
- 15 A. So when I answered the phone he identified
- 16 himself and he was like, well, Mrs. [REDACTED]
- 17 would you please refresh my memory as to reason of
- 18 your call.
- 19 Q. So when he called you he asked why you
- 20 needed to speak to him?
- 21 A. Correct.
- 22 Q. And when he said that how did you respond?
- 23 A. I was very, very upset. I had already
- 24 relayed the information as to why I was calling and

1 I was extremely upset, because for the last two
2 years -- three years at the time, we were living
3 this nightmare with [REDACTED] and two teachers were
4 involved and [REDACTED] had to switch schools, how could
5 he not remember us. [REDACTED] was a person. I was
6 upset with how callus he was with us -- with me.

7 Q. Did you tell him that?

8 A. Yes.

9 Q. And what, if anything, did he say in
10 response?

11 A. Nothing.

12 Q. After you conveyed what had occurred -- and
13 I assume you relayed the incident at Gwynedd Square
14 and then that [REDACTED] found herself at North Montco
15 with [REDACTED] also a student?

16 A. Correct.

17 Q. Did you ask him what could be done about
18 the situation?

19 A. Yes.

20 Q. And what, if anything, did he say?

21 A. He said that they couldn't do anything,
22 because [REDACTED] had a right to education as well.

23 Q. And when he told you that, did that anger
24 you?

1 A. I was very upset.

2 Q. Did you ask him what could be done to

3 protect your daughter?

4 A. Yes.

5 Q. And what, if anything, did he say?

6 A. He said that he has no control over what

7 goes on in the school over there.

8 Q. And did he refer you back to North Montco?

9 A. No. When I started asking a few more

10 questions that's when he let me know that he had his

11 attorney present in the room for the phone call.

12 Q. And was that Kyle Somers to your knowledge?

13 A. Yes.

14 Q. Did Mr. Somers speak to you during that

15 phone call?

16 A. No, he did not.

17 Q. Once Mr. Dietrich told you that he had

18 counsel what, if anything, did you say?

19 A. I know I spoke. I don't know that I said

20 anything about the attorney being present, but it

21 was a kick in the gut, that he told us that he

22 couldn't remember what our family went through two

23 years ago, but he made sure his attorney was present

24 during the phone call and that to me was very, very

1 upsetting. And then he asked me what I wanted to
2 happen and I told him I wanted my daughter to be
3 safe. He said that there's not much they could do,
4 because [REDACTED] had the right to his education and
5 that he would ask me to think about what I would
6 like them to do and then he would call me back the
7 next day.

8 Q. Did he call you back the next day?

9 A. I told him to not bother.

10 Q. Did anyone call you the next day from the
11 school district?

12 A. No.

13 Q. What, if anything, did you do in regard to
14 the situation?

15 A. Dawn LeBlanc and I spoke in more detail. I
16 conveyed to her the conversation with Carl Dietrich.
17 At that time we decided to bring [REDACTED] into the
18 tech school full time as a ninth grader.

19 Q. And what was that decision based on, if you
20 remember?

21 A. It was based on the fact that we couldn't
22 trust North Penn to have my daughter's best interest
23 at heart and protect her.

24 Q. And is that why you wanted her to leave

1 Pennbrook, because Pennbrook is a district school?

2 A. Correct.

3 Q. Okay. And did Dawn LeBlanc give you any
4 indication that she would do what she could to
5 protect [REDACTED]

6 A. Yes.

7 Q. And you did realize that [REDACTED] would still
8 be in the school?

9 A. Yes.

10 Q. Did she discuss a safety plan with you?

11 A. Yes.

12 Q. And was one formulated shortly thereafter
13 you and her decided that [REDACTED] would go full time?

14 A. We worked on it collectively. There was a
15 couple attempts. Then there was one we finally
16 agreed upon.

17 Q. And how soon after [REDACTED] telling you that
18 [REDACTED] was at the school do you recall it took to
19 put the plan in place and she started attending
20 North Montco full time?

21 A. Days.

22 Q. And her core classes that she was taking at
23 Pennbrook she was going to then take online at North
24 Montco, correct?

- 1 A. Correct.
- 2 Q. And she used the computer from the school
3 district to take those classes, correct?
- 4 A. Correct.
- 5 Q. She also in regard to the safety plan
6 indicated that a security guard walked her to her
7 classes; is that your understanding?
- 8 A. A North Montco staff member would make sure
9 she got to her classes okay.
- 10 Q. And when I say guard, it was -- yes, a
11 North Montco guard. To your knowledge, was it a
12 guard or a different titled person?
- 13 A. I don't believe they kept it to one.
- 14 Q. Okay. She talked about Felicia, but you
15 believe it was more than Felicia?
- 16 A. There was a Felicia, there was a Gregg,
17 Bob. There was a few of them.
- 18 Q. She indicated that she wasn't happy that
19 she had to be escorted because she thought it was
20 putting eyes on her, you know, that people she would
21 be talking to she would have to then leave to walk
22 with the guard. Do you recall her telling you that
23 it was causing her stress?
- 24 A. Yes.

1 Q. And did it remain in place because that was
2 best for her?

3 A. Yes.

4 Q. And through the ninth grade school year, to
5 your knowledge did she have any interaction with

6 [REDACTED]

7 A. Yes.

8 Q. And when did that occur?

9 A. In the hallways in between classes.

10 Q. And what is your understanding of what the
11 interaction would be?

12 A. He initiated them.

13 Q. What would he do?

14 A. What I was told is he would walk down the
15 hall, he would see [REDACTED] off to the side and he
16 would deliberately move his way towards her, look at
17 her, be imposing to her.

18 Q. To your knowledge, did [REDACTED] know that she
19 went to North Montco full time to avoid him?

20 A. I can't speak on his behalf.

21 Q. Okay. So you were told he made these
22 actions towards your daughter, but you don't know if
23 he knew that there was a safety plan in place?

24 A. I didn't speak to [REDACTED] I do not know

- 1 what he knows.
- 2 Q. Okay. Would I be correct you've never
3 spoken to him?
- 4 A. No, I have not.
- 5 Q. And you have never spoken to his parents;
6 would that be accurate?
- 7 A. That is correct.
- 8 Q. Do you know how many times that occurred
9 during the ninth grade school year?
- 10 A. I know of at least four to five off the top
11 of my head.
- 12 Q. And how would you find out?
- 13 A. [REDACTED] would come home and tell me.
- 14 Q. And would she be upset?
- 15 A. Very much so.
- 16 Q. And what, if anything, would you tell her
17 when she would tell you that she saw [REDACTED] in class
18 or -- I'm sorry -- in the hallways?
- 19 A. I told her to keep her chin up high and
20 don't let anybody make her bough her head to anyone.
- 21 Q. And she completed the school year full time
22 at North Montco, correct?
- 23 A. Correct.
- 24 Q. So there was an IEP meeting at the end of

- 1 that school year, correct?
- 2 A. Correct.
- 3 Q. And was there a discussion as to what the
- 4 next year would be like?
- 5 A. Yes.
- 6 Q. And what is your recollection as to that
- 7 conversation?
- 8 A. Dr. Elizabeth Shine did not want [REDACTED]
- 9 coming back the next year.
- 10 Q. Do you know why?
- 11 A. The teachers did not like the added
- 12 responsibilities that came along with [REDACTED]
- 13 Q. And what were the added responsibilities
- 14 that you're referring to to your knowledge?
- 15 A. There was a little bit more attention that
- 16 [REDACTED] needed.
- 17 Q. Was that for schoolwork?
- 18 A. Yes.
- 19 Q. And was that because of her IEP and her
- 20 underlying AD/HD?
- 21 A. Correct.
- 22 Q. And who is Dr. Elizabeth Shine to your
- 23 knowledge?
- 24 A. I do not know what her role is.

- 1 Q. Was she a North Montco employee?
- 2 A. Yes.
- 3 Q. And she was at the IEP meeting?
- 4 A. Yes.
- 5 Q. And she made it clear that she didn't want
- 6 [REDACTED] to be a full-time student?
- 7 A. She made it clear that there were some
- 8 teachers that had a difficult time with -- but this
- 9 was the meeting with North Penn representatives and
- 10 the tech school representatives. It was a whole
- 11 meeting, about 15 of us, to discuss this.
- 12 Q. When [REDACTED] became a full-time North Montco
- 13 student, did she get a new case manager for her IEP
- 14 or did it remain the same one from the school
- 15 district -- from the North Penn School District?
- 16 A. We had a representative from North Penn
- 17 School District that would come to the tech school
- 18 and hold the IEP meetings with Darren, Dawn and
- 19 Kyra. We would all be in there.
- 20 Q. So from that, you would agree that she did
- 21 retain a North Penn School District case manager of
- 22 her IEP?
- 23 A. She had a case manager, yes.
- 24 Q. Okay. When Dr. Shine indicated that the

1 teachers didn't want her to be a full-time student,
2 did you push back on that?

3 A. Later when I found an email that was
4 circulated to everyone but me, yes.

5 Q. And what was the email you're referring to?

6 A. There was an email that was produced by
7 Elizabeth Shine that went down the recommendations
8 for the tenth grade school year and it was sent to
9 everybody that attended that meeting except for
10 myself.

11 Q. And what did it say?

12 A. It just outlined everything and the
13 recommendation for [REDACTED] not to come back.

14 Q. Okay. So that's how you found out about
15 it; is that what you're saying?

16 A. I found out about it when I asked for all
17 the documents.

18 Q. Okay. Did you have any conversation with
19 the principal, Dawn LeBlanc, about allowing [REDACTED]
20 to remain a full-time student?

21 A. Yes.

22 Q. And what, if anything, did Ms. LeBlanc tell
23 you?

24 A. We all tried.

- 1 Q. So she wasn't against it?
- 2 A. She was not against it, no.
- 3 Q. However, before the start of tenth grade
- 4 you were advised that that wasn't going to happen?
- 5 A. Correct.
- 6 Q. And that she would be part time at the high
- 7 school and part time at the voc tech school?
- 8 A. Correct.
- 9 Q. So you had another IEP before school
- 10 started in regard to that scenario; would that be
- 11 accurate?
- 12 A. I believe so.
- 13 Q. And Kate Small was the person -- she was in
- 14 the meeting, correct?
- 15 A. Kate Small and Megan Schoppe were in the
- 16 meeting, yes.
- 17 Q. And you stressed to them the importance
- 18 that she not be in class with [REDACTED] [REDACTED] or come
- 19 into contact with him at the high school, correct?
- 20 A. I stressed everything that had happened,
- 21 what my level of expectation was and that they were
- 22 to have no contact whatsoever.
- 23 Q. And what, if anything, did they tell you in
- 24 response?

1 A. They assured me that they would do
2 everything in their power to make sure that [REDACTED]
3 is safe, that she wouldn't have any contact with
4 [REDACTED] that they wouldn't even be in the same pod
5 together, that they would, if need be, have someone
6 walk her over to the tech school. They made me feel
7 like they were going to make it their mission to let
8 [REDACTED] have some semblance of a school career and
9 that I didn't have to worry about anything, that
10 they had everything taken care of.

11 Q. After that meeting did either of the women
12 contact you to confirm that they had checked the
13 schedule?

14 A. I don't remember.

15 Q. [REDACTED] then started school at the end of
16 August, correct?

17 A. Correct.

18 Q. And when she came home from school in the
19 beginning did she advise you of any interaction with
20 [REDACTED] [REDACTED]

21 A. No, she did not.

22 Q. Did there come a point in time when you
23 learned of interaction with [REDACTED] [REDACTED]

24 A. Yes.

- 1 Q. And how did you learn about that?
- 2 A. In getting a telephone call from the tech
3 school that [REDACTED] had reported that her and [REDACTED]
4 were in the same social studies class at the high
5 school and that he had started assaulting her.
- 6 Q. And was it Kyra O'Brien who called you to
7 your recollection?
- 8 A. I believe it was either Kyra or Dawn. I
9 don't remember which one.
- 10 Q. And Kyra was her counselor, correct?
- 11 A. Yes.
- 12 Q. So you knew Kyra previously from her ninth
13 grade year, correct?
- 14 A. Correct.
- 15 Q. And [REDACTED] told me that she had a good
16 relationship with Ms. O'Brien and trusted her --
- 17 A. Yes.
- 18 Q. -- were you aware of that?
- 19 A. Yes.
- 20 Q. When you got the phone call from either Ms.
21 O'Brien or Ms. LeBlanc how did you feel?
- 22 A. Absolutely devastated again.
- 23 Q. And where were you physically when you got
24 the call?

- 1 A. I was downtown, 8th and Market.
- 2 Q. Were you in the scope of your employment at
3 the time?
- 4 A. Yes.
- 5 Q. And so what did you do when you got back
6 home?
- 7 A. I packed up my belongings, got in my car,
8 called my husband and drove directly to the tech
9 school.
- 10 Q. And was [REDACTED] at the school?
- 11 A. Yes.
- 12 Q. Were you given an opportunity to speak to
13 her privately?
- 14 A. No.
- 15 Q. When you got to the school what happened?
- 16 A. I walked in and a Towamencin police
17 detective was there and Dawn and Kyra were there
18 with [REDACTED] in Dawn's office.
- 19 Q. Would I be correct that the police didn't
20 speak to [REDACTED] until you arrived and gave
21 permission?
- 22 A. I don't know. I didn't have a problem if
23 they spoke to her prior to my arrival.
- 24 Q. Did the police officer speak to [REDACTED] in

1 your presence?

2 A. Yes.

3 Q. Did that take place when you arrived or
4 another day?

5 A. Arrived.

6 Q. And what did [REDACTED] convey to the police
7 officer?

8 A. She spoke as to what was happening with
9 [REDACTED]

10 Q. And what do you recall her telling the
11 police officer regarding what happened?

12 A. That he began assaulting her again. They
13 had assigned seats next to each other in social
14 studies class and she basically said that he resumed
15 where he left off.

16 Q. Did she give any more detail than that?

17 A. I don't remember to be honest. I was
18 pretty much in shock.

19 Q. And was your husband at the school at that
20 point or was it just you?

21 A. He was not. It was just me.

22 Q. After she spoke to the police at the
23 school, did you then leave school and go home?

24 A. We left the school and went home.

1 Q. Did you have any further conversation with

2 [REDACTED] about the inappropriate touching by [REDACTED]

3 A. Once we got home, yes.

4 Q. And what did she tell you at home?

5 A. She was saying that he was sticking his
6 hands down her pants again and up her shirt.

7 Q. And how was her demeanor?

8 A. She was absolutely crushed. She was --
9 what's the word? She was humiliated, hurt, scared.

10 Q. Did she convey to you why it took her until
11 October to tell someone?

12 A. Yes.

13 Q. What did she tell you?

14 A. Because the last time she told anybody
15 about what [REDACTED] did to her she in her mind's eye
16 got everything taken away from her. She was sent to
17 a different school and didn't have any friends and
18 she was afraid that was going to happen again and
19 she was afraid of retaliation from [REDACTED] and his
20 friends.

21 Q. Did she tell you why she finally spoke up?

22 A. Yes.

23 Q. And what did she tell you?

24 A. Her and I actually had a conversation that,

1 you know, we need to speak in truth, you know, we
2 have to put on brave faces and this was a little bit
3 before and we had been working on trying to build up
4 her self-esteem and everything and I believe the
5 conversation just got to her, that it was -- you
6 know, she didn't have to accept this behavior. It's
7 not behavior that she has to accept in order for her
8 to be able to go to school.

9 Q. Did you have contact with the school
10 district in regard to the incident?

11 A. Oh, yes.

12 Q. Did that happen that day or the next day,
13 if you remember?

14 A. That day and the next day.

15 Q. What was your first contact with the school
16 after you learned of the continued abuse?

17 A. They started calling me.

18 Q. Do you recall who reached out to you first?

19 A. I believe it was Kate Small.

20 Q. And what did Ms. Small say to you when she
21 reached out?

22 A. She was very apologetic.

23 Q. Did you believe that she was being genuine?

24 A. I believe that she was being genuine about

1 being sorry, yes.

2 Q. Did she indicate how she believed it
3 occurred that they were in the same class?

4 A. The first phone call was not that. She was
5 just apologizing profusely for it happening on her
6 watch.

7 Q. Who else reached out to you from the school
8 district, if anyone, other than Ms. Small?

9 A. Pete Nicholson.

10 Q. And who is Pete to your knowledge?

11 A. The principal.

12 Q. Had you ever spoken to Mr. Nicholson prior
13 to that time?

14 A. I don't remember if I had a conversation
15 with him.

16 Q. And when he contacted you what did he say?

17 A. He was apologetic.

18 Q. Did he say anything else other than being
19 apologetic?

20 A. The first phone calls were only for being
21 apologetic.

22 Q. After the first phone calls were there then
23 meetings scheduled to follow up?

24 A. Meetings did take place, because I had

1 refused to allow [REDACTED] to set foot in North Penn
2 again. So phone calls had to be made for [REDACTED] to
3 go back to the tech school full time.

4 Q. And did you make those arrangements through
5 Ms. LeBlanc?

6 A. Yes, I did.

7 Q. And was that on that day that you learned
8 of the incident or did it take the next day?

9 A. Probably the next day or --

10 Q. Did your daughter go to school the next
11 day? Was it a school day? What's your recollection
12 about that?

13 A. It was a Friday.

14 Q. So she had the weekend to not have to deal
15 with it?

16 A. Yes.

17 Q. When you asked Ms. LeBlanc if she could
18 become a full-time student again did Ms. LeBlanc
19 have any hesitation?

20 A. No.

21 Q. Did any paperwork have to be filled out?

22 A. I'm sure paperwork had to be filled out. I
23 don't remember or think there was any that I needed
24 to fill out.

1 Q. [REDACTED] recollection was that in tenth
2 grade she didn't have to take the classes online,
3 that they were available --

4 A. Correct.

5 Q. -- for her core classes; is that your
6 recollection as well?

7 A. Yes.

8 Q. So she was attending her core classes with
9 other students who were full-time voc tech students;
10 is that accurate?

11 A. Yes.

12 Q. Following the knowledge of [REDACTED] and
13 [REDACTED] being put in the same class and abuse
14 continuing, did you have any face-to-face meetings
15 with Ms. Small and/or Mr. Nicholson or anyone else
16 from the school district after that?

17 A. After that we had a meeting, I don't
18 remember when, but they were involved in the
19 meetings, in the first IEP.

20 Q. Do you recall who else was at the meeting?

21 A. No.

22 Q. Do you recall having a meeting with a Todd
23 Bower --

24 A. Oh, sure.

1 Q. -- the assistant superintendent?

2 A. That was a different meeting. Pete was not
3 there. Todd Bower and Ann Marie Lucas was in that
4 meeting that you're referring to.

5 Q. So you did have meetings about continuing
6 her IEP after she was going to be a full-time
7 student at North Montco again?

8 A. Yes.

9 Q. And was them being placed in the same class
10 discussed at that meeting?

11 A. Yes, it was discussed and we knew that that
12 would not happen.

13 Q. Okay. Did they ever give you an
14 explanation as to how it did happen in this
15 instance?

16 A. How what happened --

17 Q. How they came to be in the same class in
18 tenth grade after you were told that they wouldn't
19 be in the same class?

20 A. You're talking about North Penn, not North
21 Montco?

22 Q. Correct.

23 A. Okay.

24 Q. Did anyone from the high school ever

1 explain to you how it happened?

2 A. They told me that it was -- when [REDACTED]
3 schedule was first made they looked to see that they
4 weren't in the same classroom. Then within that
5 next week somehow there was an add/drop period,
6 which we did not add or drop any, and [REDACTED] was put
7 in the class with her and no one ever checked it
8 again.

9 Q. In regard to the police, was [REDACTED] only
10 ever interviewed that one time at the school with
11 you present to your knowledge?

12 A. Interviewed by whom?

13 Q. By the police department.

14 A. By the police department?

15 Q. Yes.

16 A. It was just at the school that day.

17 Q. Okay. Do you know what the results of the
18 police investigation were regarding any charges
19 against [REDACTED] [REDACTED]

20 A. They would not give me any information, no.

21 Q. Have you had the opportunity to review the
22 police report to date?

23 A. I've never seen the police report.

24 Q. Would I be correct that you have -- on

1 [REDACTED] behalf there's been no litigation against
2 [REDACTED] [REDACTED] civil of criminal instituted by you on
3 her behalf?

4 A. Correct.

5 MS. LAUGHLIN: Object to the
6 form.

7 BY MS. JORDAN:

8 Q. Do you have a recollection of your daughter
9 being reevaluated by a psychologist in May of 2019
10 for any reason?

11 A. Yes.

12 Q. Who was the psychologist who reevaluated
13 her, if you know?

14 A. Rebecca Schmidt initiated it and I'm not
15 sure of the name of the person who conducted it, if
16 it was Rebecca or if it was the psychologist. I
17 can't remember the name, but, yes, I am aware she
18 was reevaluated.

19 Q. Is Rebecca Schmidt an employee of North
20 Montco?

21 A. No.

22 Q. Who is she?

23 A. North Penn School District.

24 Q. Do you know what her position is?

1 A. She's some sort of counselor, a crisis
2 counselor.

3 Q. Were you ever provided the paper
4 reevaluation by that psychologist?

5 A. Yes, I was?

6 Q. And what is your understanding of the
7 reevaluation results?

8 A. It changed her primary disability from
9 AD/HD to --

10 Q. Do you need to take a minute or two? You
11 can step out of the room if you feel better that
12 way.

13 MS. LAUGHLIN: Let's take a few
14 minutes.

15 MS. JORDAN: Oh, sure.

16 (At this time, a short break was
17 taken.)

18 (At this time, the court reporter
19 read back from the record as was
20 requested.)

21 THE WITNESS: I was informed that
22 her primary disability was changed from
23 AD/HD to emotional distress.

24 BY MS. JORDAN:

1 Q. Based on the change in diagnosis, did you
2 seek any treatment for [REDACTED] at that time?

3 A. We tried to get her to speak to a
4 counselor. She went to one for a little bit, but
5 then she became so leery of adult authority figures.
6 The therapy itself ended up becoming traumatic as
7 well as everything else she was dealing with, so --

8 Q. Was the therapist Ms. Miller that she saw?

9 A. Yes.

10 Q. Was she recommended to you by someone?

11 A. I don't know. I don't remember.

12 Q. So she stopped attending because you
13 believed that it was becoming traumatic for her to
14 relive the events through the therapist, to discuss
15 it?

16 A. She was fighting it tooth and nail.

17 Q. Was she continuing with the horsing at that
18 time?

19 A. Yes.

20 Q. Did you see that gave her comfort?

21 A. Yes, it did.

22 Q. Does it continue to give her comfort?

23 A. Yes, it does.

24 Q. The psychologist that was set up through

1 the crisis counselor at the school district, you
2 don't remember that person's name, correct?

3 A. I'm sorry. Say that again.

4 Q. The psychologist that did the
5 reevaluation --

6 A. I don't remember the name.

7 Q. Did [REDACTED] have to be brought to an office
8 or was it done in school to your knowledge?

9 A. It was done in a school setting.

10 Q. Do you still have that record of the
11 psychologist's findings?

12 A. It was made part of the IEP.

13 Q. Okay. In Ms. Miller's notes it indicates
14 that [REDACTED] began self-harming by cutting; were you
15 aware of that at the time?

16 A. Yes.

17 Q. How did you become aware of it?

18 A. I noticed it on her wrist.

19 Q. When you noticed it did you discuss it with
20 you?

21 A. Yes.

22 Q. And what would she say?

23 A. That it was the only way she could make
24 herself not feel pain.

- 1 Q. The notes indicate she also had difficulty
2 sleeping at that time?
- 3 A. Yes.
- 4 Q. Were you aware of her insomnia?
- 5 A. Yes.
- 6 Q. Did she try anything in regard to the
7 insomnia in regard to -- have you heard the term
8 sleep hygiene?
- 9 A. I have not heard that term, no.
- 10 Q. Did anyone suggest she put her devices
11 outside the bedroom when she went to sleep?
- 12 A. No.
- 13 Q. Or go to sleep at the same time?
- 14 A. No.
- 15 Q. Make everything dark?
- 16 A. No.
- 17 Q. Do you know if her insomnia got better at
18 any point?
- 19 A. Not for a while.
- 20 Q. Can you approximate for how long she had
21 difficulty sleeping?
- 22 A. About a year.
- 23 Q. And during that year period of insomnia,
24 was the insomnia affecting her demeanor during the

1 day?

2 A. I'd like to clarify something if I could.

3 Q. Sure.

4 A. She had trouble sleeping. Insomnia in my
5 opinion and in my definition is you can't sleep at
6 all. She would be -- she would be able to sleep for
7 certain periods of time and then be up and then go
8 back to sleep. So I think insomnia is kind of a big
9 word to use for -- she had difficulty sleeping.

10 Q. Sleep disturbance?

11 A. Sleep disturbance I would be more
12 comfortable with than insomnia.

13 Q. Okay. And would you know that she was
14 having sleep disturbances because you could hear her
15 getting up and doing things or would she tell you or
16 both?

17 A. Both.

18 Q. Did the sleep disturbance affect her grades
19 at school to your knowledge?

20 A. I couldn't answer that question.

21 Q. Okay. So for the rest of tenth grade she
22 attended North Montco, correct?

23 A. Correct.

24 Q. And how do you think as her parent she did

1 for the rest of the school year?

2 A. She struggled. Tenth grade for her was
3 extremely traumatizing with having the security plan
4 in place. She was ostracized and a lot of attention
5 was put on her from the other students. Some of the
6 teachers enforced that security plan like it was a
7 punishment and not a protection. It became very
8 stifling to her as the victim while he walked around
9 free, so she resented that. It was a very difficult
10 time for [REDACTED] and she struggled with the
11 restraints that were put on her that shouldn't have
12 been put on her in the first place.

13 Q. There was a school incident where she was
14 drinking out of a Wawa cup with, I believe, two or
15 three other students; do you recall that?

16 A. I'm aware of a situation that there was
17 alcohol brought on the premises, yes.

18 Q. Did you ever discuss that with her as to
19 whether that was a response to what had occurred
20 with [REDACTED] being in the same class?

21 A. I don't know that it was talked about that
22 it was a direct result, but I knew by watching her
23 behavior and her patterns that it was a direct
24 result of the added trauma of what was going on.

1 Q. Did she have any other incidents where you
2 believe her actions were based on her response to
3 the situation of being placed in a same class with
4 [REDACTED] which allowed him to touch her
5 inappropriately that manifested itself during the
6 school year where she received some type of
7 punishment or was called out?

8 A. Absolutely. Her social anxiety went -- was
9 heightened immeasurably. She was fearful all the
10 time. She struggled with trying to make friends,
11 but she didn't want people to know her story, but
12 everybody kept asking what her story was because she
13 was always being followed by someone or they kept a
14 very close wrap -- kept her on a close wrap. She
15 became very withdrawn. She became extremely weary
16 of adults and anybody in positions of authority.
17 She was hurt, angry and scared.

18 Q. The fearful and scared, was that something
19 she relayed to you verbally or is that something
20 that you witnessed through body language and action?

21 A. Both.

22 Q. And when she would relate to you that she
23 was fearful, what was she afraid of, what was she
24 telling you she was afraid of?

1 A. She was very afraid of retaliation from
2 [REDACTED] and his friends. She was fearful of judgment
3 of other girls in the tech school. She was afraid
4 of becoming a social outcast. She already felt like
5 she was. And she was fearful that [REDACTED] would get
6 in her face about it.

7 Q. To your knowledge, that never happened,
8 correct, that he got in her face after this happened
9 in October of 2018, correct?

10 A. I don't know how close he got to her in the
11 hall. I know there was a couple times he tried to
12 approach her to talk to her.

13 Q. Did her safety plan prevent that from
14 happening?

15 A. No, it did not.

16 Q. What is your knowledge of interaction
17 between her and [REDACTED] after the October revelation
18 of what had occurred from the beginning of the
19 school year?

20 A. I am aware that there were a couple of
21 occasions that he tried to speak with her. They did
22 not end up speaking.

23 Q. And is that because she told you about it?

24 A. Yes.

1 Q. At any time back at Gwynedd Square
2 Elementary School after learning of the events, did
3 anyone discuss with you Title IX?

4 A. No.

5 Q. Did you know what Title IX was at the time?

6 A. Not at that time, no.

7 Q. After the events at the high school in the
8 beginning of the semester by October when [REDACTED] had
9 confided in Ms. O'Brien of what was going on and
10 then it was brought to your attention, did anyone
11 from the school district that you interacted with
12 discuss Title IX?

13 A. No one discussed anything with me.

14 Q. Did there come a point in time when you
15 learned about Title IX?

16 A. On my own?

17 Q. Yes. In any way?

18 A. On my own, yes.

19 Q. And do you recall a timeframe of when that
20 occurred?

21 A. November of -- that tenth grade incident
22 happened in October and I started looking in
23 November.

24 Q. Once you learned about Title IX, did you

- 1 reach out to the school district to discuss Title IX
2 with them?
- 3 A. Yes.
- 4 Q. Do you recall when that happened?
- 5 A. In November. I don't remember a specific
6 time.
- 7 Q. Do you recall who you spoke to about it?
- 8 A. The Title IX coordinator was all it said
9 with a phone number on a very small bullet and point
10 in one of the documents that I was able to find.
- 11 Q. Did you dial that number and ask for the
12 Title IX coordinator?
- 13 A. It gave you an extension, so you didn't
14 even have to speak to anybody.
- 15 Q. Did you dial the extension?
- 16 A. Yes, I did.
- 17 Q. And who answered the phone, if you know?
- 18 A. It went to a voicemail.
- 19 Q. Do you know whose voicemail it was?
- 20 A. No.
- 21 Q. Did you leave a message?
- 22 A. Yes.
- 23 Q. What did the message say?
- 24 A. What did I say on the message?

- 1 Q. Yeah. What do you recall?
- 2 A. Just my name and number and that I had
- 3 something to speak to them about.
- 4 Q. And did they call you back?
- 5 A. No, they did not.
- 6 Q. So you found the number, dialed the number,
- 7 left a message on a recording asking to be called
- 8 back and the call was never returned?
- 9 A. Correct.
- 10 Q. At some point in time after the call wasn't
- 11 returned, did you reach out to the school again in
- 12 regard to discussing Title IX in any way?
- 13 A. No, I did not. I ended up going to the
- 14 tech school and talking to them about what I had
- 15 found about Title IX.
- 16 Q. And who did you talk to, if you remember,
- 17 at the technical school?
- 18 A. Their whole staff. Gina Pardovich, Kyra
- 19 O'Brien and I believe Dylan was on the phone call
- 20 with us.
- 21 Q. And what do you recall about that
- 22 conversation with those North Montco employees?
- 23 A. It wasn't just the North Montco -- I
- 24 believe it was Kyle Hessler or Pete Nicholson was

1 there, but I broached the subject with them about
2 Title IX and rights that students have.

3 Q. What were you advised?

4 A. I was advised that some of the pamphlets
5 that I was handing out, that it was the first time
6 that some of these people had seen the Title IX
7 pamphlets.

8 Q. And when you say some of the people, who
9 are you referring to?

10 A. I can't remember everybody that was at that
11 table.

12 Q. Were any of the people who advised they had
13 never seen these pamphlets employees of the school
14 district to your knowledge?

15 A. Yes, but I can't remember the ones sitting
16 down at the end of the table. I'm trying to think.
17 Sorry. I asked them all who the Title IX
18 coordinator for North Penn was. They didn't have a
19 name. They said there was a title coordinator
20 office. I asked them if that was the number and
21 then I did give out the Title IX information at one
22 of the meetings, yes.

23 Q. And as you sit here today, you don't know
24 specifically who told you they had never seen that

1 material before?

2 A. The one that comes to mind was Gina
3 Pardovich from the tech school even though she said
4 she was the Title IX coordinator. Because I asked
5 her and she said, well, I think I am. I said, well,
6 I have the pamphlet here if you would like to see
7 it. She said, well, I haven't seen that one. So I
8 left that with her and then -- I'm trying to
9 remember vividly who was sitting in that corner and
10 I can't remember it off the top of my head.

11 Q. Okay. But you believe that it may have
12 been a school district employee as opposed to a
13 North Montco employee?

14 A. Correct. The tech school is one side and
15 the school district is on the other.

16 Q. At the conclusion of that meeting, what
17 information were you provided with relative to
18 Title IX?

19 A. Absolutely nothing.

20 Q. Did you indicate that you wanted to make a
21 Title IX claim or request of any kind?

22 A. No. Because I still didn't understand at
23 that time 100 percent what Title IX was all about.
24 I was gathering all this information for myself. I

1 got actually no support from North Penn.

2 Q. What about from North Montco?

3 A. Neither.

4 Q. Was there any follow up from any of the
5 individuals from either school after that meeting to
6 follow up with you regarding Title IX?

7 A. None.

8 Q. Do you recall any other employees of the
9 school district ever asking you if you wanted to
10 make a Title IX request in any way?

11 A. No one ever asked me at any time. I
12 brought up Title IX, because the school -- neither
13 one ever brought it up. It was me hunting it down
14 and finding it.

15 Q. Do you recall having any conversation
16 regarding Title IX with Dr. Bower?

17 A. Sure. In that meeting after with Ann Marie
18 Lucas and Dr. Bower is when I informed them that I
19 did an investigation on Title IX because I was
20 searching for answers and just trying to find
21 something and I told them that I had found out about
22 Title IX.

23 Q. And in response what, if anything, did they
24 say?

1 A. Nothing.

2 Q. And was the meeting that you just described
3 after the meeting with the individuals from the two
4 schools?

5 A. I believe so, yes.

6 Q. At anytime did you request a Title IX
7 investigation be carried out?

8 A. No, I did not.

9 Q. The woman from North Montco that indicated
10 she was a coordinator, did she ever reach out to you
11 and ask if you wanted an investigation?

12 A. No.

13 Q. Your daughter did continue the school year
14 at North Montco for the tenth grade, correct?

15 A. Correct.

16 Q. And at the end of tenth grade at the IEP
17 meeting, was there any discussion as to what 11th
18 grade would look like?

19 A. I have to stop and think about that one.

20 Q. Sure.

21 A. I don't remember what was 100 percent
22 discussed, but we had got to that point to get
23 through -- we had already discussed home schooling
24 [REDACTED] for her 11th and 12th grade years.

1 Q. And when you say we discussed, who are you
2 referring to?

3 A. My his husband, [REDACTED] and I.

4 Q. [REDACTED] indicated that at the start of 11th
5 grade she attended Pennbridge. I don't that said
6 that I said that name correctly, but that she did go
7 to a physical school?

8 A. Northbridge.

9 Q. Northbridge

10 A. So she started the school year at 100
11 percent being home schooled and then North Penn
12 opened a hybrid school, which is Northbridge, so you
13 could go -- it's for kids that do online school or
14 home schooling. So you could go to two days a week,
15 three days a week or you could go full time half
16 days if you wanted to to get supplemental help. We
17 started that with [REDACTED] in the beginning of that
18 school year, but like in November, beginning of
19 December Rita Whalen got her in there. And we
20 thought it was important for [REDACTED] because she had
21 really been lacking in social skills and interaction
22 with people her own age. So she was doing that and
23 actually doing very well with it.

24 Q. When you say home schooled, are you

1 referring to she's staying at home and using some
2 type of virtual program provided by the school
3 district?

4 A. Yes.

5 Q. So that's what she started with in late
6 August, early September. And then if I understand
7 your testimony, this hybrid program started where
8 she could go to this new school as well as the home
9 school, which she started and enjoyed?

10 A. Yes.

11 Q. She then indicated that when COVID shut
12 down schools that that shut down that program and
13 she wasn't able to go to the actual school; would
14 you agree with that?

15 A. I would agree with that. Now, with that
16 school, what they did was they offered her the two
17 days that she would go opportunities to go over her
18 online courses that she was doing, but then they
19 would do art and gym, so it was like physical
20 activity as well that, so yes. But when COVID did
21 hit and North Penn had to shut down all public
22 schools that was one of them.

23 Q. She then indicated that she went online
24 where it wasn't like a Zoom class with other

1 students, but she was in charge of her own
2 schooling, if you will, making sure she met all of
3 her class assignments, et cetera; is that your
4 recollection?

5 A. Yes.

6 Q. She said she actually really enjoyed it and
7 that she personally thought that she did her best
8 schooling in that situation; would you agree with
9 that?

10 A. I personally don't believe she got the
11 education out of it that she needed. I think that
12 she got her ear tuned to listen to the video and
13 picked up what she needed to to answer the
14 questions. I do not believe [REDACTED] education
15 level is where it should be for a girl who just
16 graduated high school.

17 Q. Would you agree with her that she had the
18 best grades during that period of time?

19 A. She had okay grades, yes.

20 Q. So it was virtual once shutdown came in
21 March of 2020 through the end of that semester,
22 correct?

23 A. Uh-huh.

24 Q. And then come her senior year she continued

1 with that virtual program, correct?

2 A. Correct.

3 Q. Did the hybrid -- at anytime did that
4 become available if she would have chosen to do
5 that?

6 A. It was never offered to us.

7 Q. Okay. So once COVID hit, to your knowledge
8 that wasn't available to [REDACTED] any longer?

9 A. I could only -- we were never contacted.
10 Because her senior year she only had to carry two
11 classes.

12 Q. And was that because she had enough credits
13 prior to her senior year?

14 A. I can only assume that. When we -- when
15 she started she only had two classes the entire
16 year, so --

17 Q. Was it during her senior year that she was
18 working at the horse foundation?

19 A. Yes.

20 Q. So was she spending a lot of her time doing
21 that as opposed to schoolwork since she only had two
22 classes as opposed five classes?

23 A. She would work in the early mornings at the
24 therapy barn and then go home in the afternoon and

1 do her schoolwork, yes.

2 Q. At that time was she driving, so she could
3 do that herself, drive to the barn and come home?

4 A. Because of what has happened with [REDACTED]
5 and her anxiety, she only just now got her driver's
6 permit. She's too scared to be behind the wheel of
7 a car.

8 Q. So how would she get to the barn and back
9 home for classes?

10 A. I left my job and I made it my priority to
11 be available for [REDACTED]

12 Q. So is that why you left property
13 management?

14 A. One of many, but it was a huge -- I went to
15 work every day wondering if that was the day I'm
16 going to get the phone call, so it just became too
17 much.

18 Q. When you say if that was the day I was
19 going to get the phone call, is that in regard to
20 your daughter's safety?

21 A. Absolutely. Is this the day she's going to
22 break down? Is this the day something else is going
23 to happen? Is this the day something else is going
24 to happen in school? We lived on eggshells and pins

1 and needles and nothing was the way it should be.

2 Q. She was able to complete the 12th grade,
3 correct?

4 A. Correct.

5 Q. And she did graduate from the school
6 district this past spring, correct?

7 A. Correct.

8 Q. She indicated that she began working for
9 your husband in his business; would you agree with
10 that?

11 A. Yes.

12 Q. And she did indicate to me that she enjoys
13 it and would like to take over the business, if
14 possible; would you agree with that?

15 A. Yes.

16 Q. Has [REDACTED] load lightened at all, if you
17 will, by completing school and leaving the school
18 setting?

19 A. She hasn't been in school since the tenth
20 grade.

21 Q. I know, but she's had to complete school.
22 Have you seen any lessening of her anxiety since
23 graduating or no?

24 A. No. If anything, it has gotten worse.

1 Q. Describe for me why you believe it has
2 gotten worse?

3 A. Through this entire experience at least
4 when she was going to school she could at least see
5 other kids her age. She's got no friends. She has
6 no friend basis that she can go to the mall with or
7 any of that kind of stuff. She is very isolated.
8 We try and get her out to do things, but she's very
9 fearful. She's afraid of running into [REDACTED] or
10 friends that will judge. She can't even walk out
11 the back door without making sure everything is done
12 and tidy. She is in constant flight or fight mode.
13 We try keeping her at the barn it, so that keeps her
14 even keeled, but it's always there.

15 Q. She indicated that she's been in a
16 relationship with Nick --

17 A. Yes.

18 Q. -- I think since ninth grade?

19 A. Uh-huh.

20 Q. Do you believe that that is a healthy
21 relationship?

22 A. Yes, I do.

23 Q. And is Nick a good influence for her?

24 A. Yes, he is.

1 Q. And does he try to get her to interact,
2 socialize beyond just the two of them?

3 A. He tries, but he's also very -- we're all
4 very aware of her -- you have to understand that
5 when she -- with the social anxiety, if she gets
6 triggered, she'll run. Like it's extremely hard to
7 keep her engaged or keep her -- or she'll just shut
8 down and be like I don't want to do this and then
9 that brings on like a panic attack or whatever. It
10 is -- he tries -- we all try to draw it out. But if
11 she at anytime feels like the eyes are on her or
12 she's going to be judged or -- you know, she's
13 fearful of making a mistake. She doesn't trust
14 anybody, so it's extremely -- but he tries, you
15 know, and introduces her to different things, but
16 it's an everyday -- we just keep trying to get her
17 out there.

18 Q. She said she is in the process of seeking
19 counseling; would you agree with that?

20 A. Yes.

21 Q. And are there any obstacles to her being
22 able to do that now?

23 A. The first one was getting her to agree to
24 go. The second one is that we have to be extremely

1 careful. She will not talk to men or be in a room
2 with men by herself. So we're trying to find the
3 right therapist that will work with her needs to
4 actually get her to open up and talk and heal rather
5 than I have to sit here because I'm told I have to
6 sit here and talk. So that's what we're in the
7 process of doing.

8 Q. And she also indicated that she's looking
9 for a family physician since she's 18 and wants, you
10 know, a grown up doctor as opposed to going to a
11 pediatrician; would you agree with that?

12 A. Yes. It's already been done.

13 Q. And she still takes Adderall for the AD/HD;
14 is that correct?

15 A. Correct.

16 Q. Any other medication that she takes that
17 you're aware of or that you believe she should take?

18 A. She takes Naproxen for headaches.

19 Q. Does she have regular headaches?

20 A. Not regular, but when she gets them they're
21 pretty bad.

22 Q. Are they related to her mensies at all or
23 some other -- do you think she has an underlying
24 issue or when she gets her period does she get

- 1 headaches or you don't know?
- 2 A. I don't know.
- 3 Q. She hasn't been diagnosed as suffering from
- 4 migraines or anything like that?
- 5 A. No, she hasn't been diagnosed with that.
- 6 Q. Do you believe she has more headaches than
- 7 a normal person?
- 8 A. I get a lot of headaches, so I couldn't --
- 9 mine are stress related. Hers could be -- I can't
- 10 answer that.
- 11 Q. That's what I'm trying to figure out. Do
- 12 you believe that her headaches are stress related
- 13 because of these incidents with [REDACTED] or is there
- 14 some other physical reason or you don't know?
- 15 A. I believe that there are conditions that
- 16 [REDACTED] suffers from as a direct result with these
- 17 instances with [REDACTED]
- 18 Q. Other than stress, anxiety, the social
- 19 hesitancy, what else do you believe she suffers
- 20 from?
- 21 A. Sorry. Say that again.
- 22 Q. She suffers from stress that you believe is
- 23 related to the [REDACTED] incidents, correct?
- 24 A. Correct.

1 Q. She suffers from anxiety?

2 A. Correct.

3 Q. She also has blocks to socializing based on
4 mistrust due to everything that has happened,
5 correct?

6 A. Uh-huh.

7 Q. What else do you believe she suffers from
8 that you believe is directly related to the school
9 incident with [REDACTED] [REDACTED]

10 A. I believe she has very low self-esteem. I
11 believe that she's got no faith in people in
12 authority that are there to help her. I would say
13 those would be the major things.

14 Q. I have no further questions. I really
15 appreciate your time. Thank you.

16 A. Thank you.

17 MS. LAUGHLIN: No questions.

18 Thank you.

19 (Witness excused.)

20 (Deposition concluded at

21 3:07 p.m.)

22

23

24

CERTIFICATION

I, James J. Gallagher, Jr.,
Professional Court Reporter and Notary
Public, do hereby certify that the
foregoing is a true and accurate transcript
of the stenographic notes taken by me in
the aforementioned matter.

- - -

DATE:

James J. Gallagher, Jr.

Court Reporter

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